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House of Representatives

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) for 1 minute.

PROVIDE FULL FUNDING FOR CONGRESSIONAL BLACK CAUCUS HIV/AIDS MINORITY AIDS INITIATIVE

Mrs. CHRISTENSEN. Mr. Speaker, I come to the floor this morning as the final funding for health care is being negotiated, to make a final plea for full funding for the Congressional Black Caucus HIV/AIDS Minority Aids Initiative, and the increase we are seeking for Medicaid for the territories.

Mr. Speaker, as HIV infections and cases of AIDS come under control in other communities, in African Americans and Hispanics or Latinos it remains a major killer. Eighty-one percent of all new HIV infections are among African American and Latino

women. Even in minority communities that have not seen the same numbers, their fragile health care infrastructure places them at an extreme risk.

We must fund the CBC request at the full \$539 million, provide Medicaid for early treatment, and make a significant investment for Medicaid for citizens in my district and the other territories by funding the request of the gentleman from Guam (Mr. UNDERWOOD) and me.

Mr. Speaker, health care, quality health care, is a right that we in this body and the White House must extend to all.

NOTICE—OCTOBER 23, 2000

A final issue of the Congressional Record for the 106th Congress, 2d Session, will be published on November 29, 2000, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through November 28. The final issue will be dated November 29, 2000, and will be delivered on Friday, December 1, 2000.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman*.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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TRIBUTE TO ANDREA AULBERT

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized during morning hour debates for 5 minutes.

Mr. COBURN. Madam Speaker, I rise this morning to remember Andrea Aulbert, a woman whose life, though brief, was one of impressive accomplishment. Andrea served as the Director of Legislative and Legal Affairs for Concerned Women of America until her death on July 2 at the age of just 33.

Andrea spent her life in service to others, from her student days as a camp counselor in her native State of Michigan, to her advocacy on behalf of persecuted Christians in China and other countries, to her tireless efforts in her professional career in support of moral renewal and the sanctity of human life.

After completing her studies at the University of Michigan and Valparaiso Law School, Andrea spent some time in my home state, Oklahoma, on the faculty of Bartlesville Wesleyan College. But shortly after taking a position in Washington with the Concerned Women of America, Andrea learned that she was suffering from a rare form of lung cancer.

In 1998 she underwent a difficult and risky lung transplant at the University of Alabama in Birmingham, and within a few months she was back at work. This spring, however, her cancer returned, and, again, the wait began for another transplant operation.

Her last night in Washington was, ironically, spent at an event given in my honor. She was excited and hopeful that evening. She had received word that she had qualified for an additional lung transplant.

That surgery was performed a week later, but, sadly, she did not survive the surgery. However, her memory lives on with her family, her friends and her colleagues, and those of us in Washington that knew her. The good that she did in her short life will be felt for years to come by thousands of people who never knew her at all.

That is the definition of a true American hero, Andrea Aulbert.

A MORE DANGEROUS WORLD TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. GOSS) is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Madam Speaker, as we begin this week, we obviously have many important domestic issues before this body, and that is entirely very appropriate. The question is being asked, are we better off in terms of where we are today than we were 8 years ago, and I want to focus on a very important part of that question that has been ignored in the debate that is

going across our land, and it is the question, are we better off in terms of national security than we were when the wall came down about 12 years ago?

I think it is very arguable that the world is a much more dangerous place than it was at that time, and I think it is arguable that we are much more vulnerable, and, tragically, Americans have been lost at home and abroad recently, as we know with the *Cole*, to underscore that situation.

I know that some of the candidates have talked about their foreign policy experience, and I know that Vice President GORE, who has been on watch for the past 8 years with President Clinton, claims that our foreign policy has accomplished some good things.

I would take strong issue with that. I do not think our foreign policy has been much of a success at all. It has been characterized by unevenness, but, most importantly, by missed opportunity.

Most of our friends think that the United States of America as the world's most important power, most free country, most successful economy, is adrift. They are puzzled by what we are doing and what we are not doing. Our enemies are certainly taking opportunity to score points where we are missing our opportunities.

I think that when you take a look at the problems with our national security policy, you can fit them very neatly into some categories.

First of all, just starting with our concern about security at home. The Clinton-Gore policy record on protecting our national secrets and dealing with national security has been nothing short of abysmal, whether it is the State Department missing laptops, whether it is the former Director of the Central Intelligence Agency knowing he should not take home, but taking home classified information, and making it vulnerable for being picked up by hackers. Things like that are just inexcusable.

But we have not vetted all of the people who need security clearances, by any means, and we have put them into sensitive jobs. We have a long waiting list, and we are falling down on that type of thing, whether it the White House or the Defense Department or the State Department. Certainly we have underscored the problem dramatically with the loss of the weapons secrets from the Los Alamos labs.

We have in the Clinton-Gore administration seen a cultural disdain for security, an arrogance, that we know better somehow, so we do not have to play by the rules.

Combat readiness is another area where we want to take a look at our national security. Vice President GORE has made a great deal about reinventing government and saving 330,000 jobs. If 300,000 of those jobs have come out of our defense forces, what does that say about our readiness? We understand we have ships going to sea undermanned. We are cannibalizing

equipment in order to get spare parts. We are bypassing rotations so our troops are not getting the necessary R&R, an opportunity to see their loved ones. We are cutting corners. We are cutting corners on training, and sooner or later, it catches up with us, and, tragically, it has.

Right now I do not believe that there is much vision about readiness, and I think that has been underlined in the types of readiness that we need to have. It is no longer navies against navies, dreadnoughts against dreadnoughts at Midway, or carriers and carriers fleets against carrier. It is now dealing with things like terrorists and narcotics cartels, things that affect our American citizens in deadly and dreadful ways.

We have also had some extraordinarily bad judgment in our policies, whether you start with the tragedy of Somalia, whether you go on to Haiti, where we have now seen a grotesque tragic and expensive failed foreign policy result. The Balkans are still very much at unrest. We have much work to do there, and many troops committed there, and we have not resolved the underlying problems.

Saddam, if you wonder why the price of heating oil and price of gasoline at the pumps is being debated in this chamber and elsewhere, it is largely because we have messed up in the Middle East so badly and been asleep at the switch so long under the Clinton-Gore administration that our policies on energy have gone adrift and we have been victimized by others as a result.

Africa, a whole continent that we have pulled back our capabilities on by direct order of the Clinton-Gore administration, is a continent that is torn by all kinds of carnage and brutality, unsettled conditions, a breakdown of law and order, misery and suffering across the board, and tragically, again, loss of American life because we were unprepared with the blowing up of those embassies.

These are the kinds of things that I think we need to think about when we talk about what we need for the vision of the future; the right kind of readiness, the right kind of preparedness. I think that is an important part of this debate, and I know we are going to be talking more about it in this week as we are here.

REGARDING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise today to express my deep disappointment regarding the withdrawal of H. Res. 596, the Armenian genocide resolution from the House floor.

As it has been said on many occasions, H. Res. 596 is not about the Republic of Turkey. In fact, an amendment was adopted in the Committee on International Relations which made it perfectly clear that this resolution was not about modern day Turkey.

Unfortunately, the Republic of Turkey decided to make a sense of the House resolution about the extensive U.S. record on the Armenian genocide a litmus test of its relationship with the United States. I deeply regret that Turkish officials have opted to use coercion and threats too make their case.

A recent report by the Anatolia news agency that a Turkish human rights activist, Akin Birdal, faces charges for acknowledging what happened to the Armenian people as genocide, demonstrates the lengths Turkey will take to deny the truth. Birdal reportedly made the comment during a recent conference in Germany, and now faces the possibility of a 3 year sentence in Turkey.

In addition to prosecuting this human rights activist, Turkey also coerced a statement from the head of the Armenian Church in Turkey, distancing his church and the remnant 35,000 Armenians who still live in Turkey from H. Res. 596 and its meaning.

Setting aside for the moment how a population of some 2 million Armenians has been reduced so catastrophically, is there any doubt in the minds of any Member that virtually every living Armenian in Turkey is anxiously waiting for the world to acknowledge the truth about their near total destruction or the near total destruction of their community?

Madam Speaker, is there any doubt that the statements made by the Armenian Patriarch were made under duress? There is only one place in the world where an Armenian Church leader cannot tell the truth. There is only one place in the world where nobody answers Hitler's chilling question, "Who, after all, speaks today of the annihilation of the Armenians?" And that place is modern, secular and democratic Turkey.

Madam Speaker, I ask what kind of message we are sending to the Patriarch of the Armenian Church in Turkey and all others in that country who are prevented from speaking their conscience.

I call upon our Ambassador to Turkey, who has so forcefully advocated against H.R. 596, to immediately visit the Armenian Patriarch as a show of solidarity with His Eminence and with his dwindling Armenian flock.

Madam Speaker, we must remain vigilant in the face of threats and those who continue to deny the Armenian genocide. As Van Krikorian, the Chairman of the Board of Directors of the Armenian Assembly noted in remarks given over 10 years ago to the Capitol Legal Council of B'nai B'rith, "Make no mistake, those who are denying the Armenian genocide today are paving the way for those who deny

other genocides and for those who will undoubtedly plan future episodes of race extermination." I will introduce the remarks of Mr. Krikorian for the record.

Madam Speaker, I just want to say that these remarks are as valid today as they were 10 years ago. I urge all of my colleagues to reject the ongoing campaign of denial regarding the Armenian genocide.

[Remarks to the Capitol Legal Council of B'nai B'rith—Dec. 21, 1989]

FIGHTING DENIAL OF THE ARMENIAN GENOCIDE

(By Van Z. Krikorian, Director, Government and Legal Affairs, the Armenian Assembly of America)

In the spring, you heard a speech from a Turkish Embassy official contending that the Armenians did not suffer a genocide between 1915 and 1923. That contention is patently false. But, Turkey's and its agents' insistence on vigorously pursuing it poses a frightening threat to all people who believe in democracy and human rights. Make no mistake, those who are denying the Armenian genocide today are paving the way for those who deny other genocides and for those who will undoubtedly plan future episodes of race extermination. I am sure you are aware that Hitler publicly laid the foundation for the Holocaust by referring to "the extermination of the Armenians" starting, at least, in 1931 and most forcefully in 1939 when he commanded his military to show no mercy by asking: "Who, after all, speaks today of the annihilation of the Armenians?"

Those who deny the Armenian genocide are removing the underpinnings of all human progress by pretending that nothing exists which, for whatever reason, they do not want to exist. This approach is often viewed as politically expedient. But, in the end, it only aborts the cause of civilization.

This is why I am especially glad to address you this afternoon and to publicly challenge the arguments of the deniers. I am also glad to know that the Holocaust Memorial Council has publicly and unequivocally committed to include the Armenian genocide in the United States Holocaust Memorial Museum, a decision which rebukes the deniers and promotes historical integrity.

Today, I plan to discuss some of the reasons why the Armenian genocide is properly classified as a genocide and then refute some of the more popular arguments offered by the Turkish government and other deniers.

First of all, what does the term genocide mean? Literally, it means the killing of a race. An attorney and Holocaust survivor, Rafael Lemkin, coined the term in 1944 and then dedicated himself to creating and promoting the United Nations Genocide Convention. Before, during, and after coining the term, Lemkin used the Armenian case as a definitive example of genocide. In Lemkin's view, it would be impossible to question whether the Armenians suffered a genocide, because the term was created to be a synonym with the Armenian experience.

Similarly, the United Nations legislative history of the Genocide Convention is clear that the Armenian case is an example of genocide, a position from which the United Nations has not moved. In the United States, the legislative history of ratifying the Genocide Convention and the implementing legislation is equally clear that the Armenian case is synonymous with the term genocide. These legislative histories, of course, merely reflect the overwhelming evidence of the Armenian genocide. Yet, the deniers argue that the Armenian case somehow does not fit the definition of genocide.

The Genocide Convention provides:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

No one realistically questions whether Ottoman Turkey engaged in the specific acts enumerated in this definition. That would be absurd because the Armenian population of over two million was unquestionably reduced to under 100,000, and those people did not simply disappear—they were killed, forcibly converted to Islam, and, in small numbers, escaped.

What the deniers question is whether the government committed the acts with the intent to destroy the Armenian presence in their homeland of three thousand years. This contention is shamefully absurd.

I cannot go over all the admissions and evidence establishing beyond any doubt that the government planned and implemented a campaign of race extermination, but the archives of the United States and almost every European country (including the Central Powers, Turkey's allies) are overflowing with this evidence. Today, I would like to call your attention to the following pieces of evidence: (1) a December 1914 authenticated blueprint for genocide issued by the ruling Committee of Union and Progress Party which can be found in the British archives; (2) the post World War I, Turkish trials and convictions (based on substantial, irrefutable testimonial and documentary evidence) of the government officials responsible for ordering and implementing the extermination of the Armenians; (3) a November 8, 1920 order for the military to exterminate the Armenians living in Russia; (4) and the acknowledgment of the Armenian genocide by the founder of modern Turkey, Kemal Ataturk.

The December 1914 order reads as follows:

(1) Profiting by Articles 3 and 4 of Committee Union and Progress, close all Armenian Societies, and arrest all who worked against Government at any time among them and send them into the provinces such as Bagdad or Mosul, and wipe them out either on the road or there.

(2) Collect arms.

(3) Excite Moslem opinion by suitable and special means, in places as Van, Erzeroum, Adana, where as a point of fact the Armenians have already won the hatred of the Moslems, provoke organized massacres as the Russians did at Baku.

(4) Leave all executive to the people in provinces such as Erzeroum, Van, Mamuret ul Aziz, and Bitlis, and use Military disciplinary forces (i.e. Gendarmeris) ostensibly to stop massacres, while on the contrary in places as Adana, Sivas, Broussa, Ismidt and Smyrna actively help the Moslems with military force.

(5) Apply measures to exterminate all males under 50, priests and teachers, leave girls and children to be Islamized.

(6) Carry away the families of all who succeed in escaping and apply measures to cut them off from all connection with their native place.

(7) On the ground that Armenian officials may be spies, expel and drive them out absolutely from every Government department or post.

(8) Kill off in an appropriate manner all Armenians in the Army—this to be left to the military to do.

(9) All action to begin everywhere simultaneously and thus leave no time for preparation of defensive measures.

(10) Pay attention to the strictly confidential nature of these instructions, which may not go beyond two or three persons.

In fact, these orders basically describe the actual pattern of the genocide. Of course, during implementation, the ruling party issued additional orders on massacring Armenians (I will share another with you shortly) as well as orders to punish those Turks who showed mercy to the Armenians.

The post-war trials are also dispositive not only for their indictments and verdicts, but also for the overwhelming evidence used to secure the verdicts. Specifically, both central and provincial government officials were tried and convicted for the "massacre and destruction of the Armenians." Besides a major trial in Istanbul, moreover, local trials for the same crimes, which have yet not been widely publicized, also took place. (Parenthetically, I would add here that these trials were cited as precedent for the Nuremberg trials following World War II.)

Next, I would like to share a November 8, 1920 central government order, quoted from a Turkish source. This order commanded General Kazim Karabekir to essentially continue the job of exterminating the Armenians after World War I by wiping out the Russian-Armenian population:

By virtue of the provisions of the Sevres Treaty Armenia will be enabled to cut off Turkey from the East. Together with Greece she will impede Turkey's general growth. Further, being situated in the midst of a great Islamic periphery, she will never voluntarily relinquish her assigned role of a despotic gendarme, and will never try to integrate her destiny with the general conditions of Turkey and Islam.

Consequently, it is indispensable that Armenia be eliminated politically and physically [siyaseten ve maddeten ortadan kaldirmak].

Since the attainment of this objective is subject to [the limitations of] our power and the general political situation, it is necessary to be adaptive in the implementation of the decision mentioned above [tevfiki icraat]. Our withdrawal from Armenia as part of a peace settlement is out of the question. Rather, you will resort to a *modus operandi* intended to deceive the Armenians [Ermenileri igfal] and fool the Europeans by an appearance of peace-lovingness. In reality, however, [fakat hakikatde] the purpose of all this is to achieve by stages the objective [stated above]. . . . [I]t is required that vague and gentle-sounding words [mubhem ve mulayim] be employed both in the framing and in the application of the peace settlement, while constantly maintaining an appearance of peace-lovingness towards the Armenians.

[t]hese instructions reflect the real intent [makasidi hakikiyesi] of the Cabinet. They are to be treated as secret, and are meant only for your eyes.

Again, documents like these as well as direct admissions of guilt by the government officials are literally everywhere.

Recognizing that indisputable fact, Kemal Ataturk, the founder of modern Turkey, did not hesitate to condemn the responsible Ottoman government for its actions. In an interview published August 1, 1926 in the Los Angeles Examiner, he said that all those responsible "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred." Today, the Turkish government has called the authenticity of this quote into question. Yet this 1926 statement was not an isolated event. In 1918, Ataturk called for the execu-

tion of the genocide's perpetrators. In 1919, as recorded by a presumably unimpeachable source, future Turkish prime minister Rauf Orbay, Ataturk acknowledged the government's massacres "of 800,000 Armenians" and "decided the extermination of the Armenians." In a 1920 speech, Ataturk explicitly condemned the massacres as "scandalous." Again, this type of documentation is indisputable and overwhelming, but we still face those who act as if it does not exist. When such denials are funded from a country as important as Turkey, we face the prospects of the Nazi operating principle: "a lie told 1,000 times becomes the truth."

Accordingly, I would next like to refute the predominant arguments used by the deniers today. Let me start with one that the embassy official who spoke here in the spring touted as dispositive—"It was not a systematic effort to kill all Armenians [because] no harm was done to the Armenian communities living outside the war zone—in Istanbul, the Ottoman capital, for example." Initially, I would note that this argument is as fallacious as saying that Jews did not suffer a genocide because they were relatively safe in Rome and Bulgaria. But, more importantly, the factual assertion is not true.

Armenians certainly were exterminated in Istanbul and every other part of Turkey, and it was clearly systematic. For example, on December 7, 1915 German Ambassador Metternich informed Berlin that the Government wiped 30,000 Armenians out of Istanbul and that "gradually a clean sweep will be made of the remaining 80,000 Armenian inhabitants of the Ottoman capital." Indeed, the government massacred or tried to massacre all Armenians from European Turkey by first shipping them over the Bosphorus and then killing them. One example is the eradication of the Armenians from the European town of Rodosto. In fact, Armenians and their friends commemorate the genocide on the anniversary of April 24, 1915 because on that date the government gave the clearest signal of systematic race extermination. It arrested and killed hundreds of unquestionably innocent Armenian community leaders (including legislators, clergy, educators, and attorneys) in Istanbul.

Another argument which the deniers forward is that Armenians died of natural causes (famine, cholera, diseases), not government ordered massacres. Putting aside all the direct evidence of the genocide, this argument is ridiculous. It would be the first time, that I know of, in which famine and diseases moved from town to town across an entire country removing all but less than 100,000 Armenians from over 2,000,000, and leaving the Turkish Moslem population as the sole survivors. Frankly, such a "selective disease" argument has no historical or scientific credibility, and those who make the argument must not expect their audience to reflect on its merits very deeply.

But, then the deniers argue that there was also a great civil war in which Armenians took up arms against Turks. In that supposed war, great, mutual killings occurred. Never mind that the government had disarmed all the Armenians, the government drafted all the able-bodied Armenian men into labor battalions of the army where they were massacred, and contemporaneous reports do not reference any civil war. In fact, in a newly published book, "The Slaughterhouse Province," we can read American consul Davis's official, eyewitness report from the interior of Turkey of the disarming of the Armenians and the lack of any real resistance. He reports that after the massacres of Armenians in the Province of Harput (ultimately over 100,000), the government could "find only four or five instances where any Turks had been killed or even injured by Ar-

menians and less than a dozen instances of any resistance by Armenians." In other isolated areas, of course, Armenians fought back against Turks. But, these were either minor incidents; self-defense; or because Armenians were Russian citizens, drafted into the Russian army, and were a part of the Allied war effort fighting Ottoman Turkey. As Ambassador Morgenthau reported as early as July 1915, moreover, allegations of rebellion were only "a pretext" for "a campaign of race extermination."

Nevertheless, some people still claim that the massive Armenian deaths resulted from the legitimate quashing of a rebellion. This "pretext" or "legitimate basis" denial argument is probably the most dangerous. If it is accepted (regardless of its inaccuracy), it sanctions the murder of an entire nation based on the prodemocracy cries of only a few groups. Civilization will not progress if a justification claim can be made in defense of genocide. Otherwise, the Nazis and every subsequent perpetrator would build the defense in as the crime was committed. During the Armenian genocide, the government attempted exactly such a defense, and it was rejected as both inaccurate and immoral by the international community as well as the succeeding Turkish government. There is no reason why it should be accepted now.

A more slippery denial argument on the "mutual killings" theme involves the amount of Turks and Moslems who also died in the war. I call this argument slippery because its proponents slide between "Turkish" and "Moslem" deaths. For example, some point to "two million Turkish deaths during the war" as a reason not to sympathize with Armenians. Yet this two million figure includes the 1.5 million Turkish-Armenians killed, the over 300,000 Turkish army casualties, and the tens of thousands of Turkish-Greeks and Arabs put to death at the same time.

Another strand of this argument points to "hundreds of thousands of Moslem deaths"—again implying that the genocide was really an Armenian-Turkish war. Yet in calculating the "Moslem" figures, these people not only include the Turkish war casualties and the massacres of tens of thousands of Arabs in Turkey, but also the Moslems who died fighting with the Allies against the Turks in the Middle East—that is Moslems which the Turks themselves killed.

A third strand of this "numbers game" argument applies artificial formulas to the nineteenth century populations, plugs in some theoretical conditions, and concludes with ridiculous population and mortality figures which bear no relation to reality. This argument falls on its face because it completely ignores the direct, factual evidence of the genocide. Its proponents are as off base as those who recently claimed in the newspaper "Sieg" that only 150,000–200,000 Jews died under Nazi rule and those deaths came during the "German-Jewish war."

Another denial theme is that commemorating or recognizing the Armenian genocide promotes terrorism. Initially, let me say that we unequivocally condemn all terrorism, including Armenian terrorist attacks on innocent Turks. But, the threat of terrorism does not justify rewriting history to deny Ottoman Turkey's crimes against humanity. More importantly, and again the deniers conveniently fail to mention this fact, Armenian terrorism is a moot point. In a March 1989 report, even the State Department had to acknowledge that there has not been an Armenian terrorist attack in three or four years and Armenian terrorist groups have withered away. This cessation of terrorism is attributed to lack of mainstream Armenian community support and to the growing international rejection of Turkey's

denial campaign. For example, in 1985 the United Nations Subcommittee on Human Rights, after years of study, overwhelmingly recognized the Armenian genocide as an indisputable historical fact, and in 1987 the European Parliament conditioned Turkey's acceptance to the European Community on recognizing the Armenian genocide.

The following denial argument is particular to deniers in the United States. They point out that in 1985 sixty-nine scholars signed an advertisement questioning the accuracy of a Congressional resolution commemorating the Armenian genocide and therefore "there was no Armenian genocide" or "the issue should be left to historians"—an argument from authorities so to speak. Following the advertisement, we contacted these sixty-nine people. We found that some did not authorize use of their names on the advertisement and some said they were misled about the text and apologized. Many explicitly recognize the Armenian genocide as a fact. But, most importantly, we found that only four of the sixty-nine actually focus their work on the time span of 1915-1923. All of these individuals are subsidized by the Republic of Turkey, and none has credibility on the Armenian genocide issue. Thus, when deniers make claims like a majority of United States experts question the Armenian genocide, they are simply not telling the truth. Among those sociologists, attorneys, historians, psychologists, anthropologists, attorneys, historians, psychologists, anthropologists, political scientists, and others who seriously study genocide, there is no question that the Armenians suffered a genocide, by any definition. There is also no question among the credible genocide scholars that failure to memorialize and condemn past genocides facilitates future genocides.

Before leaving this "scholars" issue, however, I would like to make clear that some of those people who signed the 1985 advertisement and continue to question the Armenian genocide really have little choice. These people are Turkish or Ottoman historians. If they do not assume the current government's line, they will be cut off from resources necessary for their life's work. Even Turkish sources confirm that cooperation with the government pays dividends while criticism exacts a high price.

The next denial argument is one of the more interesting. This argument contends that a judgment on the Armenian genocide must be reserved until the Republic of Turkey opens its archives of the period. The argument is interesting because Armenians sought free access to the Ottoman archives for years. Then the irrelevance of these archives became obvious. For instance, Turkey does not even own all the relevant archives from the period. After the War, the government sold hundreds of thousands of its records to the Bulgarians as scrap paper. Other parts of the archives exist in Jerusalem, the Soviet Union, the Middle East, and Europe. In addition, after World War I, Turkish officials readily acknowledged that the files on Armenian massacres were removed and destroyed. In fact, the documentation in archives around the world contains more direct evidence of the genocide than we can possibly digest. (The United States archives contain approximately 25,000 pages for the period 1915-1918 alone, including captured German records, which fully document the genocide.) So, while the Turkish held archives may be interesting, they are only a very minor contribution to the history of the genocide.

Moreover, Turks themselves acknowledge that military and foreign service officials have been reviewing the records for years to remove whatever incriminating evidence may still exist and that the government is

using the archives strictly for public relations purposes. This year, the government, in various ways, has announced that the archives on Armenian issues are open. Yet, they fail to publicize that the wrong archives are open or the restrictions which prevent any incriminating documents from coming to light. For example, in January, they announced that the archives are open, but they did not open the relevant World War I years. Recently, they announced that the Council of Ministers files were open for the war years, but they did not open the records of the party apparatus or other agencies which actually controlled the genocidal operations. (Scholars have found that the genocide was implemented through a two track system of orders—one set ordering "deportations" and another set ordering the translation of "deport the Armenians" to "massacre the Armenians.") Read these continual announcements on the opening of the archives carefully; you will find that there is always a caveat such as "all previously catalogued archives are open" or that a researcher may see only fifteen pages at a time and a government official has the right to screen the documents first. The Turkish government continues to use the archives as a delaying tactic. As *Cumhuriyet* a Turkish newspaper reported in January 1989: "Endless and empty statements have been made over the years concerning the opening of the Ottoman archives, and it is creating a disturbance among those who follow this topic closely. For the last 8 years, every 6 months a statement is made regarding the opening of the Ottoman archives. That these don't come true indicates that Turkey is pursuing a policy of distraction."

At this point, the Ottoman archives held by Turkey are worthless. This explains why only Turcophiles and the uninitiated place any weight on them. It also explains why the archives' administrators publicly complain that serious scholars have not come to review what has been released.

The last denial argument I would like to touch on is a "character" argument—that is, "Turks are hospitable, good people" and good people would not do what the Armenians allege happened under Ottoman reign. Let me say that the character of the Turkish people is not at issue here. Turkish hospitality is well known, and many Turks proved their sense of humanity during the genocide by protecting individual Armenians. That does not change what the government did to the Armenians from 1915 to 1923, the fact that the racist ideology of Pan-Turkism (Turkey only for Turks) was and still is prevalent, or that the government continues to have a poor human rights record and severely discriminates against Armenians in Turkey today.

You should also know that the 1915-1923 Armenian genocide was not an isolated event. From 1894 to 1896, Sultan Abdul Hamid openly and proudly ordered the massacre of hundreds of thousands of Armenians, ostensibly to send the Armenians a message about their place in Turkish society. Lord Kinross gave the following example of the atrocities in this period:

"[The Massacre's] objective, based on the convenient consideration that Armenians were now tentatively starting to question their inferior status, was the ruthless reduction, with a view to elimination of the Armenian Christians, and the expropriation of their land for the Moslem Turks. Each operation, between the bugle calls, followed a similar pattern. First the Turkish troops came into a town for the purpose of massacre; then came the Kurdish irregulars and tribesmen for the purpose of plunder. Finally came the holocaust, by fire and destruction, which spread, with the pursuit of the fugi-

tives and mopping-up operations, throughout the lands and villages of the surrounding province. This murderous winter of 1895 thus saw the decimation of much of the Armenian population and the devastation of their property in some twenty districts of eastern Turkey. Often the massacres were timed for a Friday, when the Moslems were in their mosques . . . Cruellest and most ruinous of all were the massacres at Urfa, where the Armenian Christians numbered a third of the population . . . When the bugle blast ended the day's operations, some three thousand refugees poured into the cathedral, hoping for sanctuary. But the next morning—a Sunday—a fanatic mob swarmed into the church in an orgy of slaughter, rifling its shrines with cries of 'Call upon Christ to prove Himself a greater prophet than Mohammed.' Then they amassed a large pile of straw matting, which they spread over the litter of corpses and set alight with thirty cans of petroleum. The woodwork of the gallery where a crowd of women and children crouched, wailing with terror, caught fire, and all perished in the flames. Punctiliously at three-thirty in the afternoon the bugle blew once more, and the Moslem officials proceeded around the Armenian quarter to proclaim that the massacres were over . . . the total casualties in the town, including those slaughtered in the cathedral, amounted to eight thousand dead."

Similar accounts of massive Armenian massacres during this 1894-1896 period abound. In 1909, for similar reasons, the government set another prelude to the 1915-1923 genocide. Then, it ordered and carried out massacres in Adana which killed 30,000 Armenians.

Today, as I have noted, the Turkish government is engaged in an all out effort to deny the Armenian genocide. In addition to its efforts in the United States, it is eradicating the physical evidence of any Armenian existence in Turkey. At the beginning of this century Armenians had two thousand churches in Turkey. Now, under two hundred are standing. As for the rest, the government has: destroyed them; converted them to mosques, warehouses, cinemas, and other uses; or allowed them to be plundered and destroyed. In Armenian schools, Armenians are forbidden to teach history and geography, those subjects can only be taught by Turkish officials. As a final example, Turkey strictly forbids open discussion of Armenian history or any other matters which do not comply with government policy. In March of this year, the Independent Magazine reported that:

"In early December 1986 Hilda Hulya Potuoglu was arrested by the Turkish Security Police and charged with 'making propaganda with intent to destroy or weaken national feelings.' The prosecutor of the Istanbul State Security deemed her offense as meriting severe punishment and asked for between a seven-and-a-half and a 15-year jail sentence.

Potuoglu's crime was to edit the Turkish edition of the Encyclopedia Britannica. In this was included a footnote which read as follows: 'During the Crusades the mountainous regions of Cilicia were under the hegemony of the Armenian Cilician kingdom' . . .

The Encyclopedia Britannica was not the first publication to offend. In 1981 the authorities seized Ankara 50, a guidebook to Ankara produced by the British Institute of Archaeology. The book, when published in 1973, had been passed by the military censor. By 1981, however, times had changed. It was noticed that the book featured a map naming the Roman provinces of Asia Minor including—with perfect historical accuracy—the province of Armenia. The guidebook

quickly joined the index of forbidden books along with other such politically dubious publications *The Times Atlas of World History* and the *National Geographic Atlas of the World*."

This is the type of action that the Turkish government and those in the United States who deny the Armenian genocide are promoting—the sacrifice of truth and integrity on the altar of perceived political expedience. This is why I am especially glad to have had this time with you today, to publicly expose exactly what we are all up against in fighting denial of the Armenian genocide. Thank you.

REPUBLICAN PLAN PROVIDES SENIORS WITH ACCESS TO AFFORDABLE PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I rise today to talk about prescription drugs. I think everybody in this House is committed to affordable prescription drugs for our seniors who are on the Medicare program. But this morning I would like to talk about the difference between the Democrat plan and the Republican plan.

I would also point out, Madam Speaker, that here in the House we passed by a bipartisan margin a prescription drug package for seniors. This was not an issue that just came into place from 1995 on, so I guess a question would be asked, why have the Democrats made this such a major issue, when they had, prior to 1995, an opportunity to solve this issue themselves when they were in the majority in the House and they had the presidency?

I think it is easy to criticize someone else's plan, but we offered a plan and it passed the House. So let us talk about the difference between the two plans.

The Democrat plan provides less choice, because it would provide seniors with a one-size-fits-all government plan. The Republican bill, H.R. 4680, would give beneficiaries a choice between at least two private sector drug plans. It would allow beneficiaries to choose plans that best suit their needs. Our plan is market-based, rather than relying on the government to run the plan.

Now, why is this so important? Because we know that one of the overwhelming components of any plan that we offer is that it should provide individual choice for our seniors. Choice must be the centerpiece, I believe, of whatever plan we adopt here in the House.

Now, how affordable are these plans? Let us look at these two plans and see what they actually provide seniors. H.R. 4680, which was passed by the House on June 28, the Republican plan, uses private insurance companies as the vehicle to begin prescription drug coverage for seniors over 65.

This plan provides taxpayer subsidies to encourage insurers to offer policies with premiums estimated as low as \$35 a month. Participation is voluntary. That is something else important. Seniors taking part can choose between at least two plans. All plans start with a \$250 deductible. It would establish the Medicare Benefits Administration, a new agency, to run this program. Volume buying that would be generated is expected to even lower the cost. The legislation covers 100 percent of drug and premium costs for couples with incomes up to \$15,200 and singles with income up to \$11,300. For all participants it covers at least half of drug costs up to \$2,100 annually, and 100 percent, Madam Speaker, of out-of-pocket costs over \$6,000.

The bill is projected to cost just under \$40 billion over 5 years, and the money has already been set aside in our budget just for this purpose. In other words, my colleagues, it is already paid for. That is the Republican plan.

Now let us look at the Democrat plan that the House defeated here. Currently seniors pay a premium and receive reimbursement for a portion of their doctor and hospital costs through Medicare. Under the Democrat's plan, they would use the new government benefit to reduce the cost of pharmaceutical drugs.

Now, what does this mean? The Democrat plan puts government in charge of seniors' prescription drug through the Health Care Financing Administration, HCFA. They run Medicare now. The government would choose and control a drug purchasing contractor for every region of the country; in other words, a new government one-size-fits-all program.

This is key, because a recent survey of seniors with drug coverage found that, by a margin of 2 to 1, they preferred private insurance coverage to government price controls. That being said, the Democrats' measure offers premiums that would range from \$25 to \$35 month, but with no deductible. Medicare would reimburse half of drug costs, up to \$2,000 annually, and all costs above \$4,000 per year.

However, the real question, my colleagues, our seniors are faced with, is who do they trust to run their prescription drug program, the government or the private sector? Do they want to make their own choices and control how their money is spent, or do they want a government-run plan that leaves them without any say about what works best for them?

I believe the choice is clear, Madam Speaker. We offer a plan here, the Republicans, that is voluntary, universal, affordable, with choice and security. For those seniors who are happy with what they have, they do not have to participate, but those that do can.

I believe we can and must work together in a bipartisan manner to help Medicare beneficiaries gain access to affordable prescription drugs. This bill

offers coverage that is affordable, accessible, and voluntary for our seniors.

USING THE TAX CODE TO BUILD SCHOOLS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. SHERMAN) is recognized during morning hour debates for 5 minutes.

Mr. SHERMAN. Madam Speaker, here we are, a week before the election. The President is keeping Congress here in Washington, and I think with good reason. One of those reasons is the tax bill which we passed last week, a tax bill which should not be signed by the President until it is made better, particularly on the issue of school construction.

Now, I know it sounds odd to think in terms of a tax bill helping school construction, but in fact we have a tradition in this country of the Federal Government helping school districts build schools through the Tax Code. What we do is we provide that the interest paid on school bonds is tax exempt, and for this reason investors are willing to buy school bonds that pay only 4 or 5 percent interest at a time when they could be earning 7 or 8 percent in taxable bonds. We subsidize the interest cost to encourage school districts to issue bonds and build schools.

Building on that tradition, we Democrats have suggested that a new kind of municipal bond or school bond be issued by school districts in which we, the Federal Government, would in effect pay the entire interest cost. We would provide a tax credit to those who hold the bonds in lieu of them collecting any interest from the school districts. We would go from merely subsidizing the interest cost to actually paying the interest costs on \$25 billion worth of bonds over the next 2 years.

The effect of this would be dramatic for school districts. A school district that would otherwise have to pay \$100,000 a year in order to make payments on school bonds would instead pay \$66,000 a year on those same bonds, reducing its cost by roughly one-third, allowing it to build a new school for only two-thirds of what would otherwise be the cost.

We Democrats have insisted, and the President has insisted, that \$25 billion of these bonds be authorized over the next 2 years. Instead, this tax bill provides only half of these very valuable incentives and facilitators for school construction. What the bill provides is \$15 billion over 3 years, less than half the \$12.5 billion per year that we would like to see.

Moreover, the tax bill that left this House weasels on the Davis-Bacon language, so that school districts can pay substandard wages to build substandard schools in inadequate quantities.

But our Republican colleagues have done something else that we would not

do to supposedly help school districts. What they have done is something that will cost the Federal Government over \$2 billion, but is actually worse than nothing for our school districts. They have announced to school districts that they should not use school bond proceeds to build schools for about 4 years; that, rather, they will be allowed to play the market with that money and keep the proceeds.

This will be tempting to school districts who are told, look, you can borrow money at only 5 percent interest, lower than anybody else who is playing the market, and then you can play Wall Street with that advantage. Is that the way we should help school districts build schools? I think not. We should be trying to build a school on Elm Street, not a skyscraper on Wall Street.

We should remember how Orange County, California, went bankrupt, when it decided to play the market with funds in the county treasury, and we should not tell school districts that our way of helping them is to encourage them to use school bond proceeds to play the stock market. We should provide more to school districts than a free ticket to Las Vegas, and a chance to take the school bond proceeds and bet them on the pass line or the do not pass line.

Where does the impetus for this phenomenally bad idea come from? It comes from my friends, the Tax Bond Council.

Now, I practiced tax law for a dozen or more years, and it was a kind of boring job. But when I emerged from reading the regulations in the smallest type I had but one solace; at least my job was not as boring as the subspecialist tax lawyers who worked with tax exempt school bonds. They need some excitement, but not a free trip to Wall Street with the tax exempt bond proceeds.

MEETING HALFWAY ON THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized during morning hour debates for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, last week my wife went out to lunch with some of her friends and she told them that Gil was still in Washington and that they were still negotiating the final details of the budget, and they were surprised to learn that. In fact, we now know that most Americans are somewhat surprised that Congress is still in session.

The rumor started back in September that perhaps the President would hold the Congress hostage here in Washington, perhaps to gain some political advantage, perhaps to force some kind of a showdown and perhaps even a government shutdown. But, to the credit of the leadership here in the Congress,

we have been pleasantly persistent, we have been negotiating in good faith, and, as a result, we have many of the details worked out. Frankly, I think the ones that are remaining are more about partisan politics than anything else, and simply trying to embarrass the Congress.

As you can see by this chart, these numbers are kind of small, but, frankly, in terms of what we have appropriated versus what the President requested, the differences really at this point do not seem to be very large. We have appropriated more for national defense than the President originally requested and a little bit less in a few other categories, and, as a budgeteer, I have to say I am a little surprised we are actually spending more than we originally said in our original budget document. One of the things I thought was important was we ought to make it clear that the Federal budget should grow at a rate slower than the average family budget. For the most part, that has been what has happened.

But this year, of course, Washington has a big budget surplus, and, guess what happens when Washington has a big budget surplus? People want to spend it. This is not a partisan issue either. There are Republicans who want to spend the surplus, there are Democrats who want to spend the surplus, and certainly the people down at the other end of Pennsylvania Avenue want to spend that surplus.

So what has happened is the Congressional leaders have said that at least 90 percent of that surplus ought to go to pay down debt, because all of us believe there is something fundamentally immoral for this generation to leave a debt to the next generation. As a result, we will have paid off \$350 billion in publicly held debt, in fact, we have right now, and by the end of next year that number could well exceed \$500 billion worth of debt held by the general public that this Congress will have paid off.

That is good news. But the President seems to be a moving target, because as soon as we agree to one thing, the President says, oh, no, what I really want is more money here. We really need to spend more money on this.

Now the issue of school construction comes up. As you can see, in terms of education we are spending about exactly as much money as the President requested. The problem is not how much are we going to spend on children, the question is who gets to do the spending?

Many of us feel very, very strongly that if you are going to authorize more money to be available for school construction, that those decisions ought to be made by the people who know the children's names. We do not think it ought to be done by the Department of Education, because the record of the Department of Education is not good.

For the third consecutive year, the Federal Department of Education has failed its audit. In fact, last year we

are told by our own accounting office, the General Accounting Office, there is about \$100 million that the Department of Education cannot account for. Now, we do not think it is a good idea to turn even more authority over spending school bond money to the Federal Department of Education. We feel pretty strongly about that.

We also feel pretty strongly that it would be a huge mistake to grant blanket amnesty to millions of illegal aliens. Now, we are willing to allow families to be reunited, we are willing to make accommodations. We are willing on spending and policy issues to meet the President more than halfway. But sometimes he will not even accept "yes" for an answer.

Clearly, some people in this town are putting partisan politics above the needs of the American people. The real question comes down to this, and we have never gotten a clear answer from the administration or from our friends on the left here in Congress: How much is enough? We are willing to spend, and we believe that \$1.9 trillion is more than enough to meet the legitimate needs of the American people, the Federal Government and those who depend upon it. We believe that \$1.9 trillion is fiscally responsible. We are still spending more than I would like to see spent.

But the President continues to say, well, that is not quite enough. But he will not give us a number. We are more than willing to meet the President more than halfway, but we are not willing to compromise America's future. We want to take at least 90 percent of that surplus to pay down the publicly held debt. Most importantly, that is what the American people want us to do.

We are more than willing to compromise and meet with the President and work out some agreement that is in the best interests of the American people. The real question is, is he?

GETTING THE WORK DONE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Madam Speaker, today on the floor and last night I have heard a lot of creative rhetoric and whining from the Republican side of the aisle. They are whining that highly paid Members of Congress, themselves, are here in Washington actually having to work, to be a bit inconvenienced, to even work on a weekend.

Well, why do they have to work? They say the president is guilty. Well, in fact, the President is a little bit guilty in this matter. He is guilty, as is any lenient parent in dealing with spoiled children.

The budget is due October 1. It is set by law. We all know that. The budget was due on October 1. Were the appropriation bills done on October 1? Heck

no. And what did Congress do right around October 1? It went home for a 5 day weekend, and then it went home the next week for a 5 day weekend, and then the next week.

How did they get away with that? Well, the president, as I said, being, unfortunately, a little too lenient with the other side of the aisle, allowed them to go home with their work undone by giving them longer term continuing resolutions.

I voted against every one of them. I felt they should have been held to a one day standard at the beginning. I think they should be held to a one hour standard now. If Congress has to stay in session 24 hours a day to get the work done, get it done.

Now, they say, well, it is the President's fault. Well, gee, how can it be his fault, when you have not even sent two of the largest spending bills downtown yet? He has not seen them. The Senate has not passed them. He has not even had an opportunity to veto them, if he is going to.

No, that is awfully strange creative rhetoric. It reminds me a lot of teaching a class, and the kids come in, and they knew all along there was a term paper due, June 1. Well, excuse me teacher, we just did not get it done.

Well, gee, I am sorry, someone sick in the family, you sick, death in the family or something?

No, we just did not get it done. We would like another week.

If the teacher gives them another week, what are they going to say the next week?

Hey, Teach, it was really nice; it was early June, the weather was great, we did not get it done. Give us another week.

You cannot do that, and that is finally what the President is doing here. He is telling the Republicans, get your work done, one day at a time. You are going to stay here until the work gets done.

It is inexcusable to be almost on the first of November. I mean, if they want to score their political points, they can send down defective bills that the president will veto, but they will not even do that. They will not even allow him to veto the bills with the concerns he has. They are just holding them here.

So if anybody is holding them hostage, the Republican majority in Congress is holding itself hostage and whining about it. That is kind of pathetic.

I heard some awfully interesting things about prescription drugs. Let us get one thing clear: The Republican plan that passed this House gives a subsidy to insurance companies in the hope that they might, might, offer a prescription drug only benefit plan to seniors. However, the head of the Health Insurance Industry Association has already said they are not interested in that. They cannot make enough money on something like that, and, if they did, besides that, the drugs would be really expensive.

So the Republican plan not only provides subsidies to the insurance industry, it provides subsidies to the pharmaceutical companies. This is a great plan. But, guess what? If does not put any cap or set any conditions on the premiums that might be offered to seniors if plans were offered under their grand plan.

It is a way to shovel more billions into the insurance industry and more billions into the obscenely profitable pharmaceutical industry at the expense of America's seniors, while pretending to address a real concern of America's seniors.

That is outrageous. We take a program that is successful, which the Republicans opposed, Medicare, and add an optional, optional, prescription drug benefit. And then, God forbid, they do not like this part at all, we use the market power of Medicare, with 33 million seniors in it, to bargain down the price of drugs. We use the market. The Democrats use the market.

That is not price controls. The VA is doing that take today. Blue Cross-Blue Shield is using that today. They use their market clout. They drive down the cost of prescription drugs by saying, hey, we have millions of people in our plan. We want a discount.

But they are saying we should not do that. In fact, they are saying we should give subsidies to the pharmaceutical companies. God forbid we should bring down the prices in this country.

The prices on pharmaceuticals are more expensive in the United States than any other country on Earth. That is why Americans go across the border to Canada to buy American manufactured drugs for half the price, why they go across the border to Mexico to buy American manufactured drugs for half the price.

What do they want to do? They want to give a subsidy to the pharmaceutical industry and a subsidy to the insurance industry. That solution is outrageous.

NATIONAL SECURITY AT A LOW EBB

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. HUNTER) is recognized during morning hour debates for 5 minutes.

Mr. HUNTER. Madam Speaker. In answering my colleague with respect to getting out of town, I think a lot of us, Democrat and Republican, have come to the conclusion that the president will not take "yes" for an answer until it is politically expedient to do so. You can make an agreement in 5 minutes or 5 days or 5 months, and we obviously have great resistance at the White House right now.

Madam Speaker, let me talk about an aspect of this administration which needs addressing in a very short period of time after the new President takes office. Today, national security is at a low ebb. I reflect back on Vice Presi-

dent GORE's new invention that he came up with in the last debate, in which, along with inventing the Internet and various other American inventions, he invented four Army divisions. He stated that when he came in as vice president, the Army had gone down, but that he increased the number of divisions.

Well, in fact in January of 1993, when Vice President GORE took office, there were 14 divisions in the United States Army. A division is a big group. It is a large number of people, a lot of equipment, in some cases upward of 20,000 personnel.

Today, after the Clinton-Gore administration has run down national security, I might say, for 6 years, there are only 10 divisions in the United States Army. So when Vice President GORE came into office, there were 14 divisions. He claims he increased the number of divisions, but today it is down to 10 divisions. So somewhere along the line the vice president has invented four Army divisions, which is not an insignificant thing.

Now, if you look across the array of military equipment shortages and ammunition shortages, a number of things jump out at you. One thing we need to know is that since the vice president and President Clinton took over in 1992, we have cut the military almost in half. We have gone down, as I said, from 14 Army divisions January 1, 1993, to only 10 today, so we have cut the Army by a good 30-35 percent. We have cut the Navy from 546 warships to only 316 warships, so we have cut the Navy in numbers by about 40 percent. We have cut our fighter air wings from 24 fighter air wings to only 13 fighter air wings. So we have cut air power almost in half under this administration.

Now, the interesting aspect of that, and I think the real tragedy of this slashing of national defense, is this: Usually when you cut an organization, whether it is a sports organization or a business organization, when you decrease it, when you cut it back in size, Americans presume that the core that is left after you have made these cuts is going to be well-trained, well-equipped and ready to go. The sad facts are that the small military that is left after Vice President GORE and President Clinton have taken the action to it, the small military that is left, this half a military that is left, is not as ready as the big military that we had that won Desert Storm in the early 1990s.

Let me give you some examples. They are tragic examples. A few weeks ago we had the Chief of Staff of the Army, General Shinseki, testifying to us. He had to report to us that the Army is \$3 billion short of critical ammo supplies. Ammunition. Now, you may not agree with the B-2 bomber, you may not agree with the F-22 fighter. Every American feels that it is good for our troops to have ammunition, because they may need it.

This \$3 billion shortage was not measured against any requirement

that Congress laid on the administration, it was not measured against what the Senate or the House felt we needed in ammunition, it was measured against what the administration itself analyzed that we needed to be able to fight the so-called two regional contingency conflict. That is the kind of conflict where we might get involved in a Desert Storm operation against Saddam Hussein, or we might have a Kosovo operation, and, at the same time, the North Koreans, for example, might take advantage of that and try to come south on the peninsula, so American forces might have to deploy to two different areas of the world. We feel that to be safe and to give our service people the best chance of returning alive, we need to have the equipment, the ammunition and the capability of handling those two conflicts at about the same time, because it could happen. Well, that \$3 billion ammunition shortage that General Shinseki spoke about is with respect to the two MRC contingency.

So let us rebuild national defense. Madam Speaker, I think help is on the way.

PROVIDING HEALTH CARE ASSISTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. GREEN) is recognized during morning hour debates for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, let me follow my colleague. It is interesting though if our armed services are in such bad shape, they have received more funding every year, and it has passed overwhelmingly. In fact, we have a lot of appropriations bills that have not been sent to the President yet, but the Department of Defense was the first one and has had the big plus-up every year compared to other Federal agencies.

Madam Speaker, after sitting here and listening to my colleagues this morning talk about it, I heard that the Department of Education could not be audited. Well, when is the last time the Department of Defense was audited successfully?

Madam Speaker, I think that is a good topic for debate, but this House and this Senate and the President signed the Department of Defense appropriations bill, the first one, and it is there, and it passed overwhelmingly on both sides. So I do not think the United States is going to hell in a handbasket on the Department of Defense, because we make sure we try to provide that funding.

Here we are October 30, and Congress is still in session, and we have heard my colleagues blame the President or blame different folks, Republicans. But it is interesting, because next Tuesday the voters all over the country will go to the polls and make some decisions.

Now, they will look at lots of issues, but one of the ones I wanted to talk

about this morning, one of the most major issues, is providing prescription drugs for our senior citizens under Medicare.

Prescription drugs have always been a problem, not just for seniors, but for everyone. When those of us go buy pharmaceuticals for ourselves or our children, we realize how high the cost is. But it seems like in the last 3 years, it has gone up dramatically.

I know senior citizens do not always have the choices we have. Sometimes, if we are working, we can earn more overtime, we can cut some other areas, we can actually increase our income. But seniors do not have that option. Seniors do not have that option, if they are required to take so many prescriptions and they just cannot go out and work more overtime.

I was worried earlier this year, and I am glad the House passed it, that between 65 and 70, I was cosponsor of the bill, let seniors work for those years. I was worried that was only going to be our effort this session, let seniors be able to go out and work and pay for their prescription drugs that are not covered under Medicare.

I know this is my fourth term and in 1993, 1994 and 1995 at our town hall meetings and community meetings, we have dozens every year, we would have one or two people come up and talk about prescription drugs. But in the last 2 or 3 years, it seems like I cannot have a town hall meeting or community meeting without either a senior citizen or someone my age saying, my parents cannot afford it, or even someone my children's age saying, my grandparents cannot afford their prescription drugs.

So, you know, in the early nineties you would only hear one or two, but in the last 2 or 3 years, because it seems like the cost of escalation has been so much, and it hits seniors so much more than it does anyone else.

We asked 2 years ago, and our Committee on Government Reform staff, the minority staff, actually conducted studies around the country for a lot of members of Congress. One of them they did in my own district in Houston, and we did three of them starting about 2 years ago.

One, we compared prices for large purchasers, for example, whether it is Blue Cross-Blue Shield or the Veterans, what can they do if the average citizen goes down compared to what the larger purchaser can do. We found out the large purchasers actually save about half of what my seniors going to their local drugstore would pay as compared if they could get it through some large purchaser.

We also, because I am in Houston, Texas, and it is a 6½ hour drive to Mexico, what it would be for seniors who can drive to Mexico, who can both lower their prices by bulk purchasing, but they have also price controls. So we found out that people can drive from Houston to Mexico and save half, at least, on their prescription drugs.

These are studies conducted not by my office, but by the minority office of the Committee on Government Reform. So, again, seniors could save half.

The last thing we did this last spring is we picked out certain pharmaceuticals that are also used for animals. I remember very well in East End Houston at the magnolia Multipurpose Center, we had a good crowd of seniors there, and we had a young lady, I guess in her early 20's, and she had a beautiful German shepherd.

She had that dog, and we started listing pharmaceuticals that my seniors in Houston take, like seniors all over the country, and animals take. Well, it just so happened this dog, this German shepherd, also had asthma, and so did one of my seniors. She talked about how it was tough.

I looked at that dog and I thought it was a purebred German shepherd, Madam Speaker, but it turned out she got it real cheap at the SPCA, and it was a beautiful animal.

But this senior citizen came up and said, I know this dog has asthma, and this is what I pay for my asthma medicine, and it was outrageous. Again, it was more than double for seniors as compared to what we do for our own animals.

That is why it was frustrating that this House has not addressed it, except for one bill that passed earlier. We compare the House plan and the Democratic plan and Governor Bush's plan and the House plan, and it just looks like it is giving more money to insurance companies who, under our current HMO system are not even covering seniors.

Madam Speaker, I know next Tuesday a lot of people, no matter what their age, will go to the polls. I know prescription drugs are important, and I hope they look at the Democratic plan.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 45 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

At the beginning of a new work week, Lord God, be with us. Fill us with a freshness and a renewed energy as we face the tasks here set before us today.

May our minds be bathed in the light of Your spirit and our hearts be set free to discern clearly the ways of justice and integrity.

Bring to this Nation a true sense of purpose as it interprets the signs of the

times and seeks to be an instrument of peace in the world.

God of all grace, guide us now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker pro tempore's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 298, nays 47, not voting 87, as follows:

[Roll No. 577]

YEAS—298

Andrews	Coble	Goodlatte
Archer	Coburn	Goodling
Armey	Collins	Gordon
Baca	Combest	Goss
Bachus	Cook	Graham
Baker	Coyne	Granger
Baldacci	Cramer	Green (TX)
Baldwin	Cubin	Green (WI)
Ballenger	Cummings	Greenwood
Barcia	Cunningham	Gutknecht
Barrett (NE)	Davis (FL)	Hall (OH)
Barrett (WI)	Davis (VA)	Hall (TX)
Bartlett	Deal	Hansen
Bass	DeGette	Hastings (WA)
Bentsen	DeLauro	Hayes
Bereuter	DeLay	Hayworth
Berkley	DeMint	Herger
Berman	Deutsch	Hill (IN)
Berry	Diaz-Balart	Hill (MT)
Biggert	Dicks	Hilleary
Bilirakis	Dixon	Hinojosa
Bishop	Doggett	Hobson
Blagojevich	Dooley	Hoeffel
Bliley	Doolittle	Hoekstra
Blumenauer	Doyle	Holden
Blunt	Dreier	Horn
Boehlert	Duncan	Hostettler
Boehner	Dunn	Houghton
Bonilla	Ehlers	Hoyer
Bonior	Ehrlich	Hunter
Bono	Emerson	Hutchinson
Boswell	Engel	Hyde
Boyd	Eshoo	Inslee
Brady (TX)	Etheridge	Isakson
Brown (OH)	Evans	Istook
Bryant	Ewing	Jackson (IL)
Burr	Farr	Jackson-Lee
Buyer	Fletcher	(TX)
Callahan	Foley	Jenkins
Calvert	Fossella	John
Camp	Frelinghuysen	Johnson (CT)
Canady	Frost	Jones (NC)
Cannon	Gallagher	Kelly
Capps	Ganske	Kennedy
Carson	Gekas	Kildee
Castle	Gibbons	Kind (WI)
Chabot	Gilchrest	Kingston
Chambliss	Gillmor	Klecza
Chenoweth-Hage	Gilman	Knollenberg
Clayton	Gonzalez	Kuykendall
Clement	Goode	LaHood

Lampson	Ose	Shimkus
Largent	Owens	Shows
Larson	Packard	Simpson
LaTourette	Pastor	Sisisky
Leach	Paul	Skeen
Lee	Payne	Skelton
Levin	Pease	Smith (MI)
Lewis (CA)	Pelosi	Smith (NJ)
Lewis (GA)	Peterson (PA)	Smith (TX)
Lewis (KY)	Petri	Smith (WA)
Linder	Pitts	Souder
Lofgren	Pombo	Spence
Lowe	Pomeroy	Stearns
Lucas (KY)	Portman	Stump
Lucas (OK)	Price (NC)	Sununu
Luther	Pryce (OH)	Tancredo
Maloney (CT)	Quinn	Tanner
Manzullo	Radanovich	Tauscher
Mascara	Rahall	Tauzin
Matsui	Rangel	Taylor (NC)
McCarthy (MO)	Regula	Terry
McCarthy (NY)	Reyes	Thomas
McCrery	Reynolds	Thornberry
McHugh	Rivers	Thune
McKeon	Rodriguez	Thurman
McKinney	Roemer	Tiahrt
McNulty	Rogers	Tierney
Meeks (NY)	Rohrabacher	Toomey
Mica	Ros-Lehtinen	Towns
Millender-	Roukema	Trafficant
McDonald	Roybal-Allard	Turner
Miller (FL)	Royce	Upton
Miller, Gary	Rush	Vitter
Minge	Ryan (WI)	Walden
Mink	Ryun (KS)	Walsh
Moakley	Salmon	Wamp
Mollohan	Sanders	Watt (NC)
Moore	Sandlin	Waxman
Moran (VA)	Sanford	Weiner
Murtha	Sawyer	Weldon (FL)
Myrick	Saxton	Weldon (PA)
Nadler	Schakowsky	Wexler
Napolitano	Scott	Whitfield
Nethercutt	Sensenbrenner	Wicker
Ney	Serrano	Wilson
Northup	Sessions	Wolf
Norwood	Shadegg	Woolsey
Nussle	Sherman	Wynn
Ortiz	Sherwood	Young (FL)

NAYS—47

Aderholt	Latham	Sabo
Baird	LoBiondo	Sanchez
Bilbray	Marky	Schaffer
Borski	McDermott	Slaughter
Capuano	McGovern	Stenholm
Clyburn	Miller, George	Strickland
Condit	Moran (KS)	Stupak
Costello	Oberstar	Sweeney
DeFazio	Obey	Taylor (MS)
English	Olver	Thompson (CA)
Filner	Pallone	Udall (CO)
Ford	Peterson (MN)	Udall (NM)
Gejdenson	Phelps	Velazquez
Holt	Ramstad	Weller
Hooley	Rogan	Wu
Kucinich	Rothman	

NOT VOTING—87

Abercrombie	Franks (NJ)	Meehan
Ackerman	Gephardt	Meek (FL)
Allen	Gutierrez	Menendez
Barr	Hastings (FL)	Metcalf
Barton	Hefley	Morella
Becerra	Hilliard	Neal
Boucher	Hinchey	Oxley
Brady (PA)	Hulshof	Pascarell
Brown (FL)	Jefferson	Pickering
Burton	Johnson, E. B.	Pickett
Campbell	Johnson, Sam	Porter
Cardin	Jones (OH)	Riley
Clay	Kanjorski	Scarborough
Conyers	Kaptur	Shaw
Cooksey	Kasich	Shays
Cox	Kilpatrick	Shuster
Crane	King (NY)	Snyder
Crowley	Klink	Spratt
Danner	Kolbe	Stabenow
Davis (IL)	LaFalce	Stark
Delahunt	Lantos	Talent
Dickey	Lazio	Thompson (MS)
Dingell	Lipinski	Visclosky
Edwards	Maloney (NY)	Waters
Everett	Martinez	Watkins
Fattah	McCollum	Watts (OK)
Forbes	McInnis	Weygand
Fowler	McIntosh	Wise
Frank (MA)	McIntyre	Young (AK)

□ 1021

Mrs. CUBIN changed her vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. GILMAN. Mr. Speaker, I was unavoidably delayed due to the late arrival of the airplane I was traveling on from New York because of poor weather conditions. Accordingly, I was unable to vote on rollcall No. 574, a Journal vote. Had I been present, I would have voted "yea."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. PEASE). Will the gentleman from North Carolina (Mr. WATT) come forward and lead the House in the Pledge of Allegiance.

Mr. WATT of North Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. BENTSEN. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 4577, be instructed, in resolving the differences between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement that State plans for medical assistance under such title XIX provide for adequate reimbursement of physicians, providers of services, and suppliers furnishing items and services under the plan in the State.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 120.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 646, I call up the joint resolution (H.J. Res. 120) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of House Joint Resolution 120 is as follows:

H.J. RES. 120

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275, is further amended by striking the date specified in section 106(c) and inserting "October 31, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 646, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another of the 1-day CR's. I do not think it requires a lot of debate. So I would like to use a couple of minutes just to compliment my friend and colleague, the gentleman from Wisconsin (Mr. OBEY). He looks wide awake this morning despite the fact that we had a long night last night. But at about 1 o'clock this morning, I think the gentleman from Wisconsin (Mr. OBEY) and I both felt that we had made some accomplishments in reaching the end on the issue of the last appropriations bill that is out there.

Other than that, Mr. Speaker, there is nothing much more to say on this issue. We all know what the issue is. But the good news is that we are really at the end on the final appropriations bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say good morning to my friend, the gentleman from Florida (Mr. YOUNG). We have been seeing a lot more of each other than we would both like. But I think last night it is safe to say that there was a significant amount of progress.

Frankly, there are a couple of items in what was agreed to that I regard as a breach of faith on the part of the House. But I am not going to get into that right now.

Basically, the gentleman is right, we made significant progress in dealing with the core Labor H bill. There are still a lot of ways that things could go wrong, but I hope that they do not.

I simply urge passage of the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 646, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 9, not voting 84, as follows:

[Roll No. 578]

YEAS—339

Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn

Collins
Combest
Condit
Cook
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Doolley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte

Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy
Kildee
Kind (WI)
Kingston
Klecza
Knollenberg
Kucinich
Kuykendall
LaHood
Lampson

Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose

Baird
Barton
Costello

Abercrombie
Ackerman
Allen
Barr
Becerra
Berman
Boucher
Brady (PA)
Brown (FL)
Burton
Campbell
Cardin
Chambliss
Clay
Conyers
Cooksey
Crane
Crowley
Danner
Davis (IL)
Delahunt
Dickey
Duncan
Everett
Fattah
Forbes
Fowler
Frank (MA)

Owens
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky

NAYS—9

DeFazio
Dingell
Ford

NOT VOTING—84

Franks (NJ)
Greenwood
Gutierrez
Hastings (FL)
Hefley
Hilliard
Hulshof
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kilpatrick
King (NY)
Klink
Kolbe
LaFalce
Lantos
Lazio
Lipinski
Maloney (NY)
Martinez
McCollum
McInnis
McIntosh
McIntyre
McKinney
Meehan

Skeen
Skeltion
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

Miller, George
Phelps
Stupak

□ 1045

Mr. DOOLEY of California changed his vote from "nay" to "yea."
So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 578, I was not able to vote. Had I been present, I would have voted "yea."

HOUR OF MEETING ON TUESDAY, OCTOBER 31, 2000

Mr. LINDER. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 6 p.m. tomorrow.

The SPEAKER pro tempore (Mr. PEASE). The motion of the gentleman from Georgia (Mr. LINDER) is privileged and is not debatable.

PARLIAMENTARY INQUIRY

Mr. ROEMER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Indiana will state his parliamentary inquiry.

Mr. ROEMER. Mr. Speaker, would the effect of moving the time for us to do business tomorrow from 10:00 in the morning until 6:00 at night in effect have Members then not be able to be at home in their districts either working or with their families tomorrow night for Halloween? Is that the effect of this vote?

The SPEAKER pro tempore. The question that the gentleman has posed is not a proper parliamentary inquiry.

Mr. ROEMER. That is the effect of this vote, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LINDER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 159, not voting 75, as follows:

[Roll No. 579]

AYES—199

Aderholt	Castle	Ganske
Archer	Chabot	Gekas
Armey	Chambliss	Gibbons
Bachus	Chenoweth-Hage	Gilchrest
Baker	Coble	Gillmor
Ballenger	Coburn	Gilman
Barrett (NE)	Collins	Goode
Barrett (WI)	Combest	Goodlatte
Bartlett	Cook	Goodling
Barton	Cox	Goss
Bass	Cubin	Graham
Bereuter	Cunningham	Granger
Biggart	Davis (VA)	Green (TX)
Bilbray	Deal	Green (WI)
Bilirakis	DeLay	Greenwood
Bliley	DeMint	Gutknecht
Blunt	Doolittle	Hansen
Boehlert	Dreier	Hastert
Boehner	Duncan	Hastings (WA)
Bonilla	Dunn	Hayes
Bono	Ehlers	Hayworth
Brady (TX)	Ehrlich	Herger
Bryant	Emerson	Hill (MT)
Burr	English	Hilleary
Buyer	Ewing	Hobson
Callahan	Fletcher	Hoefel
Calvert	Foley	Hoekstra
Camp	Fossella	Horn
Canady	Frelinghuysen	Hostettler
Cannon	Galleghy	Houghton

Hunter	Northup	Simpson	Cooksey	Kanjorski	Neal
Hutchinson	Norwood	Skeen	Crane	Kaptur	Oxley
Hyde	Nussle	Skelton	Crowley	Kasich	Pascarell
Isakson	Ose	Smith (MI)	Danner	Kilpatrick	Pickering
Istook	Packard	Smith (NJ)	Davis (IL)	King (NY)	Pickett
Jenkins	Paul	Smith (TX)	Delahunt	Klink	Riley
Johnson (CT)	Pease	Souder	Diaz-Balart	Kolbe	Shaw
Johnson, Sam	Peterson (PA)	Spence	Dickey	LaFalce	Shays
Jones (NC)	Petri	Stabenow	Everett	Lantos	Shuster
Kelly	Pitts	Stump	Fattah	Lazio	Slaughter
Kingston	Pombo	Sununu	Forbes	Lipinski	Snyder
Knollenberg	Porter	Sweeney	Fowler	Maloney (NY)	Spratt
Kuykendall	Portman	Tancredo	Frank (MA)	Martinez	Stark
LaHood	Pryce (OH)	Tauzin	Franks (NJ)	McCollum	Stearns
Largent	Quinn	Taylor (NC)	Gutierrez	McInnis	Talent
Latham	Radanovich	Terry	Hastings (FL)	McIntosh	Thompson (MS)
LaTourette	Ramstad	Thomas	Hefley	McIntyre	Visclosky
Leach	Regula	Thornberry	Hilliard	Meehan	Watkins
Lewis (CA)	Reynolds	Thune	Hulshof	Meek (FL)	Watts (OK)
Lewis (KY)	Rogan	Tiahrt	Johnson, E. B.	Metcalfe	Weygand
Linder	Rogers	Toomey	Jones (OH)	Morella	Wise
LoBiondo	Rohrabacher	Trafigant			
Lucas (OK)	Ros-Lehtinen	Upton			
Manzullo	Roukema	Vitter			
Mascara	Royce	Walden			
McCarthy (MO)	Ryan (WI)	Walsh			
McCrery	Ryun (KS)	Wamp			
McHugh	Salmon	Weldon (FL)			
McKeon	Sanford	Weldon (PA)			
Mica	Saxton	Weller			
Miller (FL)	Scarborough	Whitfield			
Miller, Gary	Schaffer	Wicker			
Moran (KS)	Sensenbrenner	Wolf			
Murtha	Sessions	Young (AK)			
Myrick	Shadegg	Young (FL)			
Nethercutt	Sherwood				
Ney	Shimkus				

NOES—159

Andrews	Hall (OH)	Owens
Baca	Hall (TX)	Pallone
Baird	Hill (IN)	Pastor
Baldacci	Hinchey	Payne
Baldwin	Hinojosa	Pelosi
Barcia	Holden	Peterson (MN)
Becerra	Holt	Phelps
Bentsen	Hooley	Pomeroy
Berkley	Hoyer	Price (NC)
Berman	Inslee	Rahall
Berry	Jackson (IL)	Rangel
Bishop	Jackson-Lee	Reyes
Blagojevich	(TX)	Rivers
Blumenauer	Jefferson	Rodriguez
Bonior	John	Roemer
Borski	Kennedy	Rothman
Boswell	Kildee	Roybal-Allard
Boyd	Kind (WI)	Rush
Brown (OH)	Kleczka	Sabo
Capps	Kucinich	Sanchez
Capuano	Lampson	Sanders
Carson	Larson	Sandlin
Clayton	Lee	Sawyer
Clement	Levin	Schakowsky
Clyburn	Lewis (GA)	Scott
Condit	Lofgren	Serrano
Costello	Lowe	Sherman
Coyne	Lucas (KY)	Shows
Cramer	Luther	Sisisky
Cummings	Maloney (CT)	Smith (WA)
Davis (FL)	Markley	Stenholm
DeFazio	Matsui	Strickland
DeGette	McCarthy (NY)	Stupak
DeLauro	McDermott	Tanner
Deutsch	McGovern	Tauscher
Dicks	McKinney	Taylor (MS)
Dingell	McNulty	Thompson (CA)
Dixon	Meeks (NY)	Thurman
Doggett	Menendez	Tierney
Dooley	Millender-	Towns
Doyle	McDonald	Turner
Edwards	Miller, George	Udall (CO)
Engel	Minge	Udall (NM)
Eshoo	Mink	Velazquez
Etheridge	Moakley	Waters
Evans	Mollohan	Watt (NC)
Farr	Moore	Waxman
Filner	Moran (VA)	Weiner
Ford	Nadler	Wexler
Frost	Napolitano	Wilson
Gejdenson	Oberstar	Woolsey
Gephardt	Obey	Wu
Gonzalez	Oliver	Wynn
Gordon	Ortiz	

NOT VOTING—75

Abercrombie	Boucher	Campbell
Ackerman	Brady (PA)	Cardin
Allen	Brown (FL)	Clay
Barr	Burton	Conyers

□ 1105

Mr. BROWN of Ohio changed his vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 579, I was not able to vote. Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTIONS 121, 122, 123, AND 124, EACH MAK- ING FURTHER CONTINUING AP- PROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 662 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 662

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 121) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 123) making

further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 4. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 124) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that the use of personal electronic communications devices is prohibited in the Chamber of the House, and they are to disable wireless telephones before entering the Chamber of the House.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 662 is a closed rule providing for consideration of House Joint Resolutions 121, 122, 123 and 124. Each of these joint resolutions make further continuing appropriations for fiscal year 2001 for a period of 1 day. Mr. Speaker, H. Res. 662 provides for 1 hour of debate on each joint resolution, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against the consideration of these joint resolutions. Finally, the rule provides one motion to recommit on each joint resolution, as is the right of the minority. This rule was favorably reported by the Committee on Rules yesterday, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for being more brief than he was the last time. He caught me off guard. I thank the gentleman for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, this rule provides for the consideration of the eleventh, twelfth, thirteenth, and fourteenth continuing resolutions we have done in the last month. Each one of these continuing resolutions will keep the Federal Government open just 1 more day,

because my Republican colleagues just have not finished their 13 appropriation bills.

The 1974 Budget Act requires that these bills, those 13 bills, be signed into law by October 1. But, my Republican colleagues have spent much too much time passing tax breaks for big business and not enough time on school construction.

So, here we are on October 30 with only five appropriation bills signed into law. Those bills are Defense, Military Construction, Interior, Transportation, and Agriculture, and VA-HUD and Energy and Water. Meanwhile, waiting at the White House are Legislative Branch, Treasury-Postal, and others. Still outstanding are Labor, Health and Human Services; Commerce, State, Justice; Foreign Operations; and District of Columbia. But, because so many bills are outstanding, Mr. Speaker, my Republican colleagues have been forcing Congress to spend time passing emergency measures and protections for special interests, while Democrats have still been fighting for new school construction.

Mr. Speaker, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. RANGEL) have a school construction bill that is supported by 230 Members of Congress, Democrats and Republicans alike. This bill would provide \$25 billion over 10 years of interest-free financing for school construction and modernization with prevailing wage protections. But my Republican colleagues refuse to put this bill into the Labor, Health and Human Service appropriation bill so that the President can sign it and local communities can begin building new schools.

So, rather than wasting time this month on abbreviated work weeks, renaming post offices, and tax breaks for the special interests, my Republican colleagues should have been passing Medicare reform, prescription drug programs within Medicare, and funding school construction.

Mr. Speaker, I urge my colleagues to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I am very pleased to yield 8 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise to oppose this rule. I think we ought to do 1-day rules and 1-day CRs, but more importantly, I think it is time for us to reach the compromises necessary and finish up the work of the 106 Congress.

We are all asking why we are here today, and we have different views on it. According to "The Baltimore Sun," it is because of Republican gridlock in Congress again. Once again, leaders of this House are finding they cannot get their way. Whatever happened to the

fine art of compromise? I know my friends on the other side of the aisle would differ with that and have a different opinion of that. Both sides are right, perhaps.

But perhaps a little practical constitutional reminder is in order for us today. You, we, cannot beat a President, unless we have two-thirds of the votes. The Constitution guarantees that under our separate, but coequal branches of government, that the only way the House of Representatives can win is to have two-thirds of the vote, no matter how we like or dislike a President, now or in the future. And we cannot get two-thirds of the vote, unless we are willing to work with at least some on the other side of the aisle which, unfortunately, our leadership has chosen not to do.

Remember the budget resolution where all of this began? The President's budget called for \$637 billion in spending, and you said you were going to hold discretionary spending to \$625 billion and you complained about big spending Democrats, including we Blue Dogs, those of us in the Blue Dog Coalition proposed a budget suggesting a compromise of \$633 billion. This budget was supported by 138 Democrats and 37 Republicans.

□ 1115

If 45 more Republicans had joined with 137 of us, perhaps the debate would be a little different. Perhaps we would not even be here. If the leadership in Congress had been willing to work with us, we could have had a credible bipartisan budget that would have held spending down to \$633 billion. Instead, we are on a path to spend \$645 billion or more next year, \$12 billion more than the Blue Dogs suggested and \$8 billion more than the President requested. Some compromise.

Some compromise, spending \$8 billion more than the President. And yet my colleagues, some continue to come to the floor and say how much more are we going to spend. Well, they have won on this issue. When we passed the rule last week on the foreign operations bill, they voted to raise, at least some, not all, a majority of us, not me, voted to raise the caps to \$645 billion. The issue of how much we are going to spend is a moot issue.

I would much rather have held it to \$633 billion. My Republican colleagues wanted to go to \$645 billion. The President wanted to keep it at \$637 billion.

So let us not have any more of this because any of these issues that spend more money, my colleagues should know by now that the rules of the House suggest that if we spend more than \$645 billion, we will sequester all spending next year to bring the level back to \$645 billion if we mean it, and I hope we mean it. So let us quit talking about that money is the issue.

I do not know how the leadership in the House honestly can complain that Democrats are big spenders when they have already voted appropriation bills

and sent to the President spending \$11 billion more than the President requested. I do not understand how voting to increase spending by \$21 billion on programs that a prominent Republican has identified as low priority, unnecessary, or wasteful spending is acceptable, but asking for \$5 billion more for education makes someone a big spender.

Under the plan being pushed by leaders in the Congress, we will squander the surpluses that should be used to deal with a variety of my priorities including eliminating our national debt. Leadership is taking credit for debt reduction that was achieved only because their proposals to use the entire budget surplus for tax cuts was defeated.

The recent conversion to debt reduction rhetoric after 2 years of rhetoric to the contrary comes after their tax cut proposals fell flat. The cover of the September 16 issue of Congressional Quarterly described the leadership strategy with this headline: "Desperate to find a way out, GOP settles for debt reduction."

Mr. Speaker, we easily could have bipartisan agreement on death tax relief, on marriage tax penalty relief, on a Medicare prescription drug benefit, a Patients' Bill of Rights, campaign finance reform legislation; yet this Congress will adjourn without enacting any legislation on any of these issues. The leadership has chosen to take these issues off the table. They have won on these issues. They are off the table. But we will not go home, we will not go home without making sure we have given our hospitals, nursing homes, and home health care providers the relief that they need. That is the dividing issue, the one that must be worked out.

There is strong support among Democrats for meaningful estate tax relief that would repeal the death tax for all estates less than \$4 million and reduce rates for all other estates by 20 percent immediately. This proposal could be signed into law. But according to the Wall Street Journal, some in the Republican leadership rejected that proposal because they are afraid that "the GOP would lose a powerful election-year issue for its candidates." And they might be right.

We heard a lot of rhetoric Saturday about the need for a national energy policy; yet we are about to conclude another Congress without any effort on the part of the House to develop a national consensus on energy policy. We could have taken a small step by adopting the tax incentives for domestic oil and gas producers that were included in the Senate version of the tax bill, but for some reason the leadership of the House opposed this bipartisan effort as well.

Surely we can reach a bipartisan agreement now if leaders of the Congress are willing to work with the President to find compromises on the remaining issues. But I have to ask, why did the congressional leadership

not accept the President's offer to meet yesterday to discuss an agreement on responsible tax relief and a Medicare package that provides assistance to health care providers as well as beneficiaries, instead of providing over 40 percent of the funding for HMOs?

Let me repeat so that all of us can understand and hear clearly, particularly the leaders of the Congress: we will not have a final budget agreement that allows us to leave here without making sure we have given our health care providers the relief that they must have, nor without satisfactory compromises regarding school construction, class size reduction, immigration, and the other issues remaining.

We would not need to be here on October 30 if 2 or 3 months ago, when this work should have been happening, the Republican leadership had been willing to work with us in a bipartisan spirit on a fiscally-responsible budget that funded priority programs including Medicare, provided reasonable tax relief, and paid down the debt. Unfortunately, for some reason the leadership has chosen a course that has produced gridlock and inaction.

Mr. Speaker, it is your move. The ball is in your court. Do your job and you will find a lot of bipartisan support, especially if you were to ask.

This is the message that I hope that all of us will take. It is time to quit the fingerpointing. We are down to the last few issues. Some of them are very, very important; but all of them must be compromised. It is unrealistic to believe that anyone, the President or the House, can get their way absolutely. But a reasonable compromise on all of these issues could be reached this afternoon if only we would find the willingness to sit down and to talk to each other, a willingness that we have not been willing to do for the last 2 years, 4 years or 6 years. That is why we are here today.

Again, we cannot, we cannot defeat this President, the next President, or any President unless we have two-thirds of the vote. We cannot get two-thirds of the vote unless we work for it.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM), who in the well of the House outlined many of the same arguments that he outlined last night when we gathered here in informal session to have an honest discussion on some differences.

One thing that I think is interesting is this: when the gentleman from Minnesota (Mr. GUTKNECHT) put the question to the gentleman from Texas, if we reverted to the President's original budget numbers, if that were the key to accommodate the President as my friend points out, that certainly the President has a role in this process, if we were to revert to the President's original estimates, could there be a

guarantee that the President would sign the appropriations bills? The gentleman from Texas was very candid last night. He said he could not guarantee that, and he respectfully submitted that that was not the question.

But, Mr. Speaker, that is exactly the question, because that is the argument my friend from Texas has made. We do not seek to ignore the President or deal with some sort of blatant hostility. We understand consensus and compromise and we have done that. And even as the gentleman outlined the challenge confronting us with Medicare, I would remind all of my colleagues that just last week on this floor we passed a piece of legislation vital for health care with the bulk of the help going to hospitals, especially rural hospitals, to local health care, to nursing homes.

The fact is some chose not to vote for it. Now, good people can disagree. We are here in this situation, as we try to find consensus and compromise, and the question again, Mr. Speaker, is this: How much is enough?

I understand the calendar. I do not presume to be naive. I know this is the political season. But I would join with the gentleman from Texas who says let us not engage in fingerpointing. Indeed, Mr. Speaker, the challenge before us is to put people before politics, and that is what I suggest we do.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Speaker, for those Americans who may be following these proceedings, they might be asking themselves what exactly are we doing here 30 days after the appropriation and funding bills are supposed to have been enacted into law? What have we accomplished? Or a better question: What have we not accomplished this Congress?

I would like to give a brief overview. Over the last 2 years, the Republican leadership of this Congress has had a unique opportunity. It was an opportunity to work with House Democrats and to work with the President to craft a sensible, bipartisan solution to some of America's most difficult and toughest problems: the unchecked powers of the HMOs to veto family health care decisions; the fact that literally millions of senior citizens cannot afford to buy prescription medicine that they need; the need to increase the minimum wage for those people who work and make this country run by taking care of our seniors in nursing homes and feeding us and cleaning our offices and taking care of our children in child day care centers; the fact that kids from one end of this country to the other are forced to go to school in cramped, overcrowded classrooms.

The Republican leadership had 2 whole years, some would say 6 years since they became the majority, to work with President Clinton and Democrats to respond to these problems. Had they decided to work with us

by now, we could have had a prescription drug benefit in effect. People who use HMOs could have had the right to legally challenge them. Millions of people would not have been thrown off the benefits of HMO plans or denied benefits under those plans. We could have started working on repairing and modernizing our schools all over this country.

Minimum wage workers who are struggling, often adults with a couple of children, to provide for their family could have had thousands of dollars into their pockets. But I am sad to say that instead of rolling up their sleeve and working with us, the Republican majority chose to obfuscate, to shrug their shoulders, to walk away.

Mr. Speaker, just do not take my word for it. Listen to what America's leading newspapers are saying. Roll-call: "What a mess . . . If (voters) paid attention, they'd surely be appalled, as practically everybody here in this town is. House leaders failed to work out a joint strategy with Senate leaders, and they have been utterly uninterested in working with House Democrats."

The Washington Post: "The Un-Congress continues neither to work nor adjourn. For 2 years, it has mainly pretended to deal with issues that it has systematically avoided."

The Baltimore Sun: "Whatever happened to the fine art of compromise? It seems to have vanished from the lexicon of Republicans on Capitol Hill. The result is more gridlock in Washington, as Republicans try to force their political agenda down President Clinton's throat."

And, of course in the USA Today today they described this Congress as a "costly do-little Congress." I might also add, Mr. Speaker, that this is a do-little and a delay Congress. They have done little; they have delayed much.

Mr. Speaker, the Republicans have demonstrated that the only place they are capable of leading Congress is gridlock and dead end. It is time for a change. This has been an utter failure. We have failed to address the main issues that the American people have sent us here to address, and the American people understand that. They know that, and they will respond to that if we do not, in the next couple of days, answer some of these questions that the gentleman from Texas (Mr. STENHOLM) and others have addressed.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I felt compelled to react to some of the speakers that have preceded. Republicans have come in with some additional spending. Deployments by the Clinton-Gore administration, Haiti, \$4 billion; \$3 billion of that is in Aristide's pocket. Extension of Somalia where we had 18 Rangers killed; the United States paid for 86 percent of Kosovo.

I think that is wrong. And my colleagues on the other side would say that there should be more burden-shar-

ing from NATO countries. That has come at a great expense of our defense, of our military, of our men and our women.

□ 1130

We have got 22 ships that are tied up to the pier because of deferred maintenance. The Secretary of the Navy just announced the descoping and cancellation affecting repair and maintenance of 26 naval ships, which means that is 26 more ships this year will not be worked on; and that the lack of funds, because we have used it, they have had to shift the ship repair money over to the CV, the carriers, and the submarine refueling because of the deployments that we have had.

My colleagues talk about working bipartisan. Many of us long for that, and we have on many cases. But I want to give my colleagues an idea that, with the HMOs, when Governor Bush, and I believe that the polls are showing it, is President, we will pass a patients' bill of rights. But it will not allow lawyers to sue unlimited amounts and put a hospital, a doctor, or a health care provider out of business with one lawsuit. Then one will not be able to go down and sue the small business that hires them in good faith. I mean, that is a pretty strict difference between the two parties. When one talks about compromise, we are not going to allow one to put health care providers out of work.

If one looks at the bill that is before us right now with Davis-Bacon, many States have overridden Davis-Bacon requirements. Now, their side of the aisle wants even those States that do not have Davis-Bacon to have to fall under construction. We think that is wrong. A, it adds between 15 to 35 percent to the school construction. We are saying let the schools keep the extra money instead of paying the union wage.

Those are pretty big differences. The reason that we have not come forward is, on both sides, that the different positions sometimes are here or they are out here to the left. I think where we have come to the center and work together, that is the best thing that this Congress can do. That is what we are trying to do. That is why we are here today.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time. The gentleman from California (Mr. CUNNINGHAM), the last speaker, just answered a big part of the previous question of the gentleman from Arizona (Mr. HAYWORTH).

The reason we cannot go back and undo the budgets now is that there is only one really left. We have spent the money. We have different opinions as to whether we have spent it wisely, but it is done. My point that I am trying to make is it is done.

We have set the caps of spending of \$645 billion. If we wanted to spend less,

we should have done it with the budget resolution that would have had the kind of support to carry us through. We did not do that. But that is done.

I wanted to emphasize where I am coming from and where I think a lot of Members on both sides of the aisle are coming from regarding the health care, the Medicare relief bill.

For the rurals, the urbans, the teaching hospitals, what I would like to have seen us done is add a 2nd year of full market basket update for inpatient hospital services. That needs to be done to get consistency. Restore cuts for skilled nursing facilities for 2 years, not just one. Restore cuts for home health providers for 2 years, not just one. Improve the formula for Medicare disproportionate share hospitals to equalize payments to rural hospitals.

Now, many were already saying, then you are wanting to spend more money. No. I believe that we could have given less to the HMOs and more to our hospitals, and we would have had a better package. That is my opinion. I suspect that there are more that share that opinion, because I really believe, and more of the folks believe, that that is what we should have. We have the argument of consistency.

Our rural hospitals and others that are struggling to keep their doors open, we give them 1 year. The atmosphere that we are in today, what kind of planning can you give. Why could we not give a 2-year certainty on this and then start working soon after the next election as to where we truly go with health care policy? We need to do this.

That is why I say I think people are having some real wrong ideas and thoughts that we are not going to be able to work this and several other areas out on the Medicare relief bill.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, in case the American people are having difficulty understanding the argument of the gentleman from Texas (Mr. STENHOLM), as most of us over here are having difficulty, because it does come down to us, we believe, the President asking for more money; and we are trying to keep control of the budget.

But if we cannot understand that, they should be able to understand one of the other issues, the major issue of contention between the Republicans and the other side of the aisle and the Clinton-Gore administration; and that is the Clinton-Gore administration is demanding that we stay here, and they are holding us hostage with the demand that we give a blanket amnesty to millions of illegal immigrants.

Now, the American people should be able to understand that. All of this budget talk, if one cannot understand what is going on there, one should be able to understand that this administration, the Clinton-Gore administration, the other side of the aisle, want us, and we are refusing, to grant a

blanket amnesty so that millions of more illegal immigrants will, number one, be granted amnesty and eventually be eligible for government programs, which means millions of illegal immigrants who are now not eligible will be eligible for health care benefits, for education benefits.

Here we are trying to give a modest, just a modest bit of tax relief to the American people, and that is outrageous; but it is not outrageous to bring millions of more illegal immigrants into this country and make them eligible for government benefits. Give me a break. Give the American people a break.

No, I am proud to stand here with the Republicans saying, no, we are going to watch out for the American people. We care about others. We care about our immigrant population. In fact, legal immigrants are some of our proudest citizens. We are happy to have them here as legal immigrants. But to have millions of illegal immigrants be granted amnesty is thumbing their noses at legal immigration and at the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM). I understand what he is saying. He made a very important point. He is asking for reason and balance; and that is, to respond to the needs of rural and urban hospitals and not give to HMOs the \$34 billion that our Republican colleagues want to give to insurance companies, and not allow some of those dollars to be utilized to pay health care providers and hospitals.

Secondarily, the gentleman from California (Mr. ROHRABACHER), my good friend who just spoke, has also a misunderstanding what those of us are trying to do with respect to legal immigration or access to legalization.

Mr. Speaker, I serve as the ranking member on the Subcommittee on Immigration and Claims on the Committee on Judiciary; and I am sorry to say it is not a million people coming into this country, it is thousands of homeowners and taxpayers who have lived in this country for almost 20 years. In fact, the National Restaurant Association is begging us to be responsible to hard-working members of their community who have worked in their restaurants.

This is a question with the INS. We all know the status of the INS, it made a great error and did not allow these individuals to proceed to apply for citizenship. It is not giving them blanket amnesty; it is allowing them to apply for citizenship.

Interestingly enough, when many of us voted in 1996 for what we thought was a fair immigration policy in the dark of night, Republicans took away

the court proceedings that were proceeding in a very orderly manner, sponsored by the Catholic Dioceses, that would allow individuals to go into the courtrooms and proceed in the process of securing their citizenship. That was stopped in the dark of night in 1996.

So what we are standing here for is to ensure that those who are trying to seek legalization, access to legalization fairly and honestly, citizens in Nevada, citizens in Rhode Island, in New York, in Michigan, in California, in Texas, who are already here, whose children are going to school, they want to be able to access legalization.

In fact, in my good city of Houston, a poor man by the name of Mr. Gonzalez, working 13 years, is about to be deported and his family left abandoned because he cannot have access to legalization.

Mr. Speaker, I am happy to yield to the distinguished gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for raising this, because this is one of the great shames and scandals of our country.

These people which the gentlewoman speaks of are the people who do the work of this country. We could not be building the roads; we could not be feeding the people of this country. They have been here for 15 and 20 years, and they live in fear every day because of their status. They make this country work.

It just is an absolute outrage that we have to deal with this issue in a way that is not responsible to them and to the future of this country. The gentlewoman from Texas is absolutely right. We ought to do something about this. These are the people that take care of our children, our grandparents, our roads, our buildings. They collect our garbage. They do a lot of things.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR), the minority whip, for his eloquence on his issue, because I hate the undercurrent that I am hearing in this body. That is that the reason why we are here and the reason why we are stuck in the mud besides the issues on health care and this tax cut is because we do not want this millions of illegals to come into this country.

Mr. Speaker, they are here, and they are not millions, they are thousands of hard-working individuals who love this country, who love their families, and who came here out of persecution, and we opened the doors.

Mr. Speaker, I would simply say that we need to work on this issue.

Mr. ROHRABACHER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is the gentleman from California (Mr. ROHRABACHER), my good friend, who I would be delighted to yield to when I finish my point, and maybe he can get some time from his side, because I know his heart is good.

Mr. Speaker, I simply say we need to get down to dealing with hard-working individuals and stop this undercurrent of bias that I am hearing. It hurts my heart.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, every time we talk about illegal immigration, we talk about racial bias. I have about had it. There are immigration laws. If they are in the country illegally, we should throw them out.

We are putting up a neon sign blinking all over the world, come on and run in, run in illegally, and we will make one a citizen, and then we will let one bring one's family. Beam me up here.

I disagree with this illegal immigration. If they want to come into America, damn it, get in line. There are laws. Follow the law. When Congress starts letting people jump the fence and get away with it and then use it for political gain, Congress has failed the American people, and Congress has shredded the Constitution.

I want to say one last thing. Several days ago, 10 Mexican narco-terrorists crossed the border and started shooting at our border patrol. They needed a helicopter to come in and provide air coverage.

We are guarding the borders all over the world. We are flooded with heroin and cocaine. And my colleagues are here wanting to make more illegal immigrants citizens.

I am not for making one more illegal immigrant a citizen. There is no bias in my heart. I am tired of the charge that is being placed against us.

If they want to come into America, get in line like many Americans did legally. If they are not in this country legally, JIM TRAFICANT says they should be thrown out, and the Congress of the United States should not have a flashing sign saying jump the fence.

Mr. Speaker, this is an important issue, more than my colleagues think. There is a lot of political ramifications that are not very good for the country. With that, I would hope the Democrat party would take a look at the issue a little more carefully.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair reminds Members that they are to refrain from the use of profanity in debate on the House floor.

The Chair reminds all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the Rules of the House.

Mr. MOAKLEY. Mr. Speaker, would the Chair be kind enough to advise the gentleman from Georgia (Mr. LINDER) and myself of the remaining time.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) has 9 minutes remaining. The gentleman from Georgia (Mr. LINDER) has 19½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

□ 1145

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me this time, and I will not take the 2 minutes, but I wanted to correct something.

The impression has been left here that these people are illegal; that they have come here and not followed the rules. The fact of the matter is that many of them have come here as a result of persecution in their countries. They have been in line. They are waiting for documentation. It is not the case of them sneaking across the border and cutting in front of other people. These are people who have been here, have been accepted here, are waiting in line and not getting their documentation processed.

I might also add for my colleagues that it is very ironic that we could come here and do on a voice vote 193,000 people, allow them into this country, high-tech people, when no one was around here, and then these folks who have been here for as much as 14 years cannot get the satisfaction of knowing that the taxes they have been paying for 14 years and the work they have been providing to this country is being ignored.

It is an outright scandal and it is a shame. But they happen to be nonhigh-tech people. They are people who do the work of the country. They do our garbage, they do our roads, our schools, they take care of our kids, they do our wash, they do the stuff in the restaurants, cook our food. They deserve to be here.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding. The only thing I wanted to offer to this debate is the fact that all of us in this Nation, all of us, no matter how we look and what language we might have started out with, have come from somewhere and have sought opportunity.

I do not know how I came legally. I was not able to come here legally, as I understand it. My colleagues may question my history, but I know my history. I came in another manner.

So I would simply say that anyone who wants to challenge these individuals needs to look at their own personal history. This is a terrible shame what we are doing in this Congress.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I would just reiterate what the gentleman from

Texas has already said, and certainly part of this disagreement is about the immigrants; but the major disagreement we have is that the Republicans have chosen to raise their own budget caps and spend that money by giving it as a wonderful trick or treat present to the HMOs. They have chosen to deny the relief that our hospitals and nursing homes need. They have chosen to deny prescription drug benefits for our seniors. They have chosen to deny estate tax and marriage tax relief to our citizens.

These people cannot wait. This money should not go to the insurance companies, it should not be wasted by giving it to the HMOs. It should be used to provide a prescription drug benefit for our seniors, to keep our hospitals and nursing homes in business, to provide the services we need, to provide estate tax and marriage tax relief to our citizens.

We should not have to wait another 1 year or 2 years or 4 years to see this benefit granted to the American people. It is time for this Congress to do its work that we should have done a long time ago.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. THOMAS) to instruct the gentleman from Arkansas what was actually in that bill he voted on.

Mr. THOMAS. Mr. Speaker, some of us are sitting here somewhat confused. We have been listening carefully to the debate and hearing, for example, that these folks are legal but they are in fear of their status; that in fact we have chosen to give \$34 billion to the HMOs.

If anyone bothered to check the entire cost of this bill, which is money for the hospitals, Medicare+Choice, home health, preventive care, on and on and on, the entire package, according to CBO, scores at \$31.5 billion over 5 years. Now, I know there has been a discussion on the Presidential trail about fuzzy math; but to be able to stand up last night and today and to continue to repeat that there is \$34 billion for managed care in this bill is to simply ignore the fact that the entire package is \$31.5 billion.

By the way, the single largest percentage in this package goes to hospitals. That is appropriate because hospitals are the single largest cost factor in Medicare. As a matter of fact, the American Hospital Association, the largest hospital grouping in the country, has written a letter saying, we urge the Members to vote for the legislation; we urge the President not to veto the legislation. Now, when are we going to let the hospitals speak for themselves?

We just heard repeated this apparent political mantra that is necessary that we are shorting the providers, the other providers, the hospitals. The hospitals said we should have voted for the bill. Frankly, some of the Democrats have been coming up to me and saying, gee, I would like to have another op-

portunity. My leadership led me astray. I did not realize exactly what was in the bill. Well, sorry, it came up, we voted on it, and it was passed.

The providers themselves have written letters, more than four dozen home health associations, various specific acute hospitals, psychiatric hospitals, the providers; and they have said, sign the bill. Yet we continue to hear this argument, which is totally devoid of reality, that somehow we are spending \$34 billion on the HMOs out of a \$31.5 billion bill and that we are shorting the other providers, when the American Hospital Association said, we like it, deliver it, and please, Mr. President, sign it.

Now, we are also not talking about the very, very nice package of preventive care provisions that are in there extending the preventive care, which was first put in by this majority in 1997, having not been done before. We have extended it in terms of digital mammography; we have increased the number of Pap smears available for those in risk groups; we have provided screening for glaucoma; we provided screening for colonoscopies. In fact, the second largest grouping in this bill is for preventive care and beneficiary assistance.

One of the largest dollar amounts in the package is to put real dollars toward correcting the overpayment by beneficiaries on hospital bills because they have not been treated fairly and honestly by this administration in terms of what an actual percentage of the bill is. The beneficiaries are paying 20 percent of the listed price when HCFA is negotiating the price down, and that 20 percent becomes 30, 40 and 50 percent of the bill. That is shameful. We moved directly to start stopping that. That is the single largest chunk.

We also, finally, allow immunosuppressive drugs to be available to those who have had organ transplants for the rest of their lives. Current administration has held it at 3 years.

This bill is full of really good stuff supported by all of these groups, and what we continue to hear is a total misrepresentation. I know my colleagues will not stop it, but what they are saying is simply not true.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I too am dismayed at the tone this debate has taken with respect to immigration, and I am saddened and ashamed about it.

All of us think we should enforce the immigration laws; but the immigration laws have worked to damage a segment of our society, hard-working Americans with families who work hard and pay taxes every day, people who have been here since before 1986, paying taxes and raising families, and the law needs to be made equitable for those people.

Last year, in Denver, we had a lady who, because she was afraid she would be ejected from this country permanently under the immigration laws,

left this country. She left this country and she left her newborn child, who is an American citizen, in the arms of her husband, who is also an American citizen, because she was afraid that she would never be able to come back if she did not leave and reappear.

That is not only an inequity, it is a terrible human tragedy, and that is what we are trying to do. We are not trying to open the borders to everybody. We are not trying to let criminals in here. We are trying to protect the rights of hard-working Americans who are decent citizens and who pay taxes. That is what we are trying to do.

I think we should stop all of this terrible slurring on the race and everything else, and we ought to get down to what this is all about.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, none of us is happy being here today on this resolution. I believe it is fair to say that both sides would rather be home talking to our constituents about the future. And as long as I can remember, there have been continuing resolutions passed for several days at a time so that only the negotiators were kept here finishing the job. As I recall, one year during the Reagan administration, agreement was never reached, and the entire next fiscal year was conducted under a continuing resolution that President Reagan signed.

Yet we are here today forced to pass a series of continuing resolutions because we have a President who has been reluctant to leave the stage with grace and dignity. In order to have his way, he is willing to threaten to shut down the government unless we agree to this nonsense. He is willing to shut down the government unless we agree with him on his priorities in the budget. And he is willing to put everyone else at risk, both parties included, unless he gets his way.

Does the world not see what is going on here? My guess is that they do not because they view the world through the eyes of an uncritical press. In 1995, the President vetoed a continuing resolution because it contained a "legislative rider," his words, in an appropriations bill. Today, he is holding an entire Congress, Democrats and Republicans alike, hostage because we are unwilling to approve his "legislative rider" in an appropriation bill. Is he likely to succeed? Perhaps. Because we have an uncritical press that will not tell that story.

The American people might be interested in one rider he insists upon. We have heard it talked about today. The President is insisting on a rider that will grant total amnesty to as many as a million immigrants who came to the Nation illegally. Now, to be sure, we are a Nation of immigrants. We welcome those who come to our shores and use the legal process to become Americans. But the President wants to put

those who ignore our laws ahead of those who are law abiding. But we will never hear this from the press.

We have been here daily since the President issued his edict that he would not sign any continuing resolution that was longer than 24 hours. I want to commend the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), and the ranking member, the gentleman from Wisconsin (Mr. OBEY). I have never seen two more dedicated workers for the cause of getting the people's work accomplished. They have been here day and night to complete the task.

I confess they differ in their views as to the right solution for the final sticking points; but unlike the President, they are here working. They were prepared to meet even on that evening last week when the President and his Chief of Staff were attending the World Series, and the next day, when the President found it more important to get in a round of golf. And over the past weekend, when the President was campaigning for his side, oh, yes, we have been ready to meet and solve this. But the President has not been here, and an uncritical press will not point that out.

In fact, the President plans a trip to California this week to campaign. We will pass one of these 1-day continuing resolutions, and a military jet will be dispatched to take it to the President for his signature. But that cost of thousands of dollars will not be billed to his party or the people he was campaigning for. The taxpayer will foot the bill. But an uncritical press will not burden the public with that fact.

We are here and will be here until the President returns to town to sit down and negotiate. We do not expect every decision to go our way, but neither should the President.

□ 1200

But absent the critical press, we will never know.

So we are left to stand here on this 30th day of October. We will pass this series of 24-hour continuing resolutions. We will wonder when the President plans to return from the campaign. We will get the job done for the American people. And we will look back to the old days when Presidents Truman, Eisenhower, Johnson, Ford, Carter, Reagan and Bush understood that their day had passed and they left the stage with grace and dignity and we will long for that time.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. PEASE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 286, nays 73, not voting 73, as follows:

[Roll No. 580]

YEAS—286

Aderholt	Engel	Lowey
Archer	English	Lucas (KY)
Armey	Eshoo	Lucas (OK)
Baca	Evans	Luther
Bachus	Ewing	Maloney (CT)
Baker	Fattah	Manzullo
Baldacci	Fletcher	Markley
Baldwin	Foley	Matsui
Ballenger	Fossella	McCarthy (MO)
Barcia	Frelinghuysen	McCarthy (NY)
Barrett (NE)	Gallegly	McCrery
Barrett (WI)	Ganske	McGovern
Bartlett	Gejdenson	McHugh
Barton	Gekas	McKeon
Bass	Gibbons	McNulty
Bentsen	Gilchrest	Meehan
Bereuter	Gillmor	Meek (FL)
Berkley	Gilman	Mica
Biggert	Goode	Millender-
Bilbray	Goodling	McDonald
Bilirakis	Gordon	Miller (FL)
Bishop	Goss	Miller, Gary
Blagojevich	Graham	Minge
Bliley	Granger	Mink
Blunt	Green (WI)	Moakley
Boehlert	Greenwood	Mollohan
Boehner	Gutknecht	Moore
Bonilla	Hall (OH)	Moran (KS)
Bono	Hall (TX)	Morella
Borski	Hansen	Murtha
Brady (PA)	Hastings (WA)	Myrick
Brown (OH)	Hayes	Nadler
Bryant	Hayworth	Napolitano
Burr	Herger	Nethercutt
Burton	Hill (IN)	Ney
Buyer	Hill (MT)	Northup
Callahan	Hilleary	Norwood
Calvert	Hinchey	Nussle
Camp	Hinojosa	Ose
Canady	Hobson	Packard
Cannon	Hoeffel	Pallone
Capps	Hoekstra	Paul
Capuano	Holden	Pease
Carson	Horn	Peterson (MN)
Castle	Hostettler	Peterson (PA)
Chabot	Houghton	Petri
Chambliss	Hunter	Pickering
Chenoweth-Hage	Hutchinson	Pitts
Clement	Hyde	Pombo
Coble	Isakson	Pomeroy
Coburn	Istook	Porter
Collins	Jefferson	Portman
Combest	Jenkins	Pryce (OH)
Cook	John	Quinn
Cox	Johnson (CT)	Rahall
Coyne	Johnson, Sam	Ramstad
Cramer	Jones (NC)	Regula
Cubin	Kelly	Reynolds
Cummings	Kennedy	Rivers
Cunningham	Kilpatrick	Roemer
Davis (FL)	Kind (WI)	Rogan
Davis (VA)	Kingston	Rogers
Deal	Klecza	Rohrabacher
DeLauro	Knollenberg	Ros-Lehtinen
DeLay	Kucinich	Rothman
DeMint	Kuykendall	Roukema
Deutsch	LaHood	Royce
Diaz-Balart	Largent	Ryan (WI)
Dixon	Larson	Ryun (KS)
Dooley	Latham	Sabo
Doolittle	LaTourette	Salmon
Doyle	Leach	Sanchez
Dreier	Levin	Sanders
Duncan	Lewis (CA)	Sanford
Dunn	Lewis (KY)	Sawyer
Ehlers	Linder	Saxton
Ehrlich	LoBiondo	Scarborough
Emerson	Lofgren	Schaffer

Schakowsky Stabenow Vitter
Sensenbrenner Stump Walsh
Sessions Sununu Wamp
Shadegg Sweeney Watts (OK)
Sherman Tancred Weiner
Sherwood Tauzin Weldon (FL)
Shimkus Taylor (NC) Weldon (PA)
Shows Terry Weller
Simpson Thomas Wexler
Skeen Thornberry Whitfield
Skelton Thune Wicker
Slaughter Tiahrt Wilson
Smith (MI) Tierney Wolf
Smith (NJ) Toomey Wu
Smith (TX) Traficant Wynn
Smith (WA) Udall (CO) Young (AK)
Souder Udall (NM) Young (FL)
Spence Upton

NAYS—73

Andrews Gutierrez Price (NC)
Baird Holt Rangel
Becerra Inslee Reyes
Berman Jackson (IL) Rodriguez
Berry Jackson-Lee Roybal-Allard
Bonior (TX) Rush
Boswell Kildee Sandlin
Clay Lampson Scott
Clayton Lee Serrano
Clyburn Lewis (GA) Sisisky
Condit McDermott Stenholm
Costello McKinney Strickland
DeGette Meeks (NY) Stupak
Dicks Menendez Tanner
Dingell Miller, George Tauscher
Doggett Moran (VA) Taylor (MS)
Edwards Oberstar Thompson (CA)
Etheridge Obey Thurman
Farr Olver Towns
Filner Ortiz Velazquez
Ford Owens Waters
Frost Pastor Watt (NC)
Gephardt Payne Waxman
Gonzalez Pelosi Woolsey
Green (TX) Phelps

NOT VOTING—73

Abercrombie Goodlatte McIntyre
Ackerman Hastings (FL) Metcalf
Allen Hefley Neal
Barr Hilliard Oxley
Blumenauer Hooley Pascrell
Boucher Hoyer Pickett
Boyd Hulshof Radanovich
Brady (TX) Johnson, E. B. Riley
Brown (FL) Jones (OH) Shaw
Campbell Kanjorski Shays
Cardin Kaptur Shuster
Conyers Kasich Snyder
Cooksey King (NY) Spratt
Crane Klink Stark
Crowley Kolbe Stearns
Danner LaFalce Talent
Davis (IL) Lantos Thompson (MS)
DeFazio Lazio Turner
Delahunt Lipinski Visclosky
Dickey Maloney (NY) Walden
Everett Martinez Watkins
Forbes Mascara Weygand
Fowler McCollum Wise
Frank (MA) McInnis
Franks (NJ) McIntosh

□ 1221

Mr. WAXMAN changed his vote from “yea” to “nay.”

Ms. LOFGREN, Mr. GORDON and Mr. KUCINICH changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 580, I was unable to vote. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 296, noes 64, not voting 72, as follows:

[Roll No. 581]

AYES—296

Aderholt Farr McKeon
Andrews Fattah McKinney
Archer Fletcher McNulty
Armey Foley Meehan
Baca Fossella Meeks (NY)
Bachus Frelinghuysen Menendez
Baker Gallegly Mica
Baldacci Ganske Millender-
Baldwin Gejdenson McDonald
Ballenger Gekas Miller (FL)
Barcia Gibbons Miller, Gary
Barrett (NE) Gilchrist Minge
Barrett (WI) Gillmor Mollohan
Bartlett Gilman Moore
Barton Goode Moran (KS)
Bass Goodling Moran (VA)
Bereuter Gordon Morella
Berkley Goss Murtha
Berman Graham Myrick
Biggett Granger Nadler
Bilbray Green (WI) Napolitano
Bilirakis Greenwood Nethercutt
Bishop Gutierrez Ney
Blagojevich Gutknecht Northup
Bliley Hall (OH) Norwood
Blumenauer Hall (TX) Nussle
Blunt Hansen Ortiz
Boehlert Hastings (WA) Ose
Boehner Hayes Packard
Bonilla Hayworth Paul
Bono Herger Payne
Borski Hill (IN) Pease
Boswell Hill (MT) Peterson (MN)
Brady (PA) Hilleary Peterson (PA)
Brown (OH) Hinchey Petri
Bryant Hinojosa Pickering
Burr Hobson Pitts
Burton Hoeffel Pombo
Buyer Hoekstra Pomeroy
Callahan Holden Porter
Calvert Hostettler Portman
Camp Houghton Price (NC)
Canady Hunter Pryce (OH)
Cannon Hutchinson Quinn
Capps Hyde Rahall
Castle Isakson Ramstad
Chabot Istook Regula
Chambliss Jefferson Reyes
Chenoweth-Hage Jenkins Reynolds
Clement John Rivers
Coble Johnson (CT) Roemer
Coburn Johnson, Sam Rogers
Collins Jones (NC) Rohrabacher
Combest Kelly Ros-Lehtinen
Cook Kennedy Rothman
Cox Kilpatrick Roukema
Coyne Kind (WI) Roybal-Allard
Cramer Kingston Royce
Cubin Kleczka Rush
Cummings Knollenberg Ryan (WI)
Cunningham Kuykendall Ryun (KS)
Davis (VA) LaHood Sabo
Deal Largent Salmon
DeLay Larson Sanchez
DeMint Latham Sanders
Deutsch LaTourette Sandlin
Diaz-Balart Leach Sanford
Dixon Levin Sawyer
Dooley Lewis (CA) Saxton
Doolittle Lewis (KY) Scarborough
Doyle Linder Schaffer
Dreier LoBiondo Schakowsky
Duncan Lowey Scott
Dunn Lucas (KY) Sensenbrenner
Edwards Lucas (OK) Serrano
Ehlers Luther Sessions
Ehrlich Maloney (CT) Shadegg
Emerson Manzullo Sherman
Engel Matsui Sherwood
English McCarthy (MO) Shimkus
Eshoo McCarthy (NY) Shows
Etheridge McCrery Simpson
Evans McGovern Skeen
Ewing McHugh

Skelton Slaughter
Slaughter Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stump
Sununu
Sweeney
Tancred
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—64

Baird Gonzalez Owens
Becerra Green (TX) Pallone
Bentsen Holt Pastor
Berry Inslee Pelosi
Bonior Jackson (IL) Phelps
Capuano Jackson-Lee Rangel
Carson (TX) Rodriguez
Clay Kildee Sisisky
Clayton Kucinich Stenholm
Clyburn Lampson Strickland
Condit Lee Stupak
Costello Lewis (GA) Taylor (MS)
Davis (FL) Lofgren Thompson (CA)
DeGette Markey Tierney
DeLauro McDermott Udall (CO)
Dicks Meek (FL) Velazquez
Dingell Miller, George Visclosky
Doggett Mink Waters
Filner Moakley Watt (NC)
Ford Oberstar Woolsey
Frost Obey Wu
Gephardt Olver

NOT VOTING—72

Abercrombie Goodlatte McInnis
Ackerman Hastings (FL) McIntosh
Allen Hefley McIntyre
Barr Hilliard Metcalf
Boucher Hooley Neal
Boyd Horn Oxley
Brady (TX) Hoyer Pascrell
Brown (FL) Hulshof Pickett
Campbell Johnson, E. B. Radanovich
Cardin Jones (OH) Riley
Conyers Kanjorski Shaw
Cooksey Kaptur Shays
Crane Kasich Shuster
Crowley King (NY) Snyder
Danner Klink Spratt
Davis (IL) Kolbe Stark
DeFazio LaFalce Stearns
Delahunt Lantos Talent
Dickey Lazio Taylor (NC)
Everett Lipinski Thompson (MS)
Forbes Maloney (NY) Turner
Fowler Martinez Watkins
Frank (MA) Mascara Weygand
Franks (NJ) McCollum Wise

□ 1231

Mr. OLVER changed his vote from “aye” to “no.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 581, I was unable to vote. Had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 577, on approving the Journal of October 30, 2000. Had I been present I would have voted “yea.” Mr. Speaker, I was unavoidably detained for rollcall No. 578, on passage of a bill making further continuing Appropriations for Fiscal Year 2001. Had I been present I would have voted “yea.” Mr. Speaker, I was unavoidably detained for rollcall No. 579, on setting the Hour of meeting for October 31, 2000. Had I been present I

would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 580, on ordering a vote on the previous question. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 581, on passage of a bill providing for consideration of certain joint resolutions making further continuing appropriations for FY 2001. Had I been present, I would have voted "yea."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

Mr. HOEKSTRA. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mrs. HOEKSTRA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed to choose a level of funding for the Inspector General of the Department of Education that reflects a requirement on the Inspector General of the Department of Education, as authorized by section 211 of the Department of Education Organization Act, to use all funds appropriated to the Office of Inspector General of such Department to comply with the Inspector General Act of 1978, with priority given to section 4 of such Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

Mr. SCHAFFER. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby serve notice to the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

The form of the motion is as follows:

Mr. SCHAFFER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed to insist on those provisions that—

(1) maintain the utmost flexibility possible for the grant program under title VI of the Elementary and Secondary Education Act of 1965; and

(2) provide local educational agencies the maximum discretion within the scope of conference to spend Federal education funds to improve the education of their students.

PROVIDING FOR CONSIDERATION OF S. 2485, SAINT CROIX ISLAND HERITAGE ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 663 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 663

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

SEC. 2. A concurrent resolution consisting of the text printed in section 3 is hereby adopted.

SEC. 3. The text specified in section 2 is as follows:

"Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

"(1) In section 1, insert before 'are hereby enacted into law' the following: ', as modified in accordance with section 3.'"

"(2) In section 2, insert before the period at the end the following: ', modified in accordance with section 3.'"

"(3) Add at the end the following new section:

"SEC. 3. MODIFICATION TO TEXT OF BILL ENACTED BY REFERENCE.

"'The modification referred to in sections 1 and 2 is to the text of the bill H.R. 5538, as referred to in section 1(1), and is as follows: the quoted matter in the amendment proposed to be made by section 2 of such bill is modified by striking "June 30, 2000" and inserting "December 31, 2000".'"

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 663 is a closed rule providing for the consideration of S. 2485 to direct the Secretary of the Interior to provide assistance in planning and constructing a Regional Heritage Center in Calais, Maine. The rule also provides for the adoption of a concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of the bill, H.R. 2614, to amend the Small Business Investment Act to make improvements to the certified development company, House Report 106-1016.

I want to make it clear that we are considering S. 2485. The text of the re-

port that the Committee on Rules filed to accompany this resolution incorrectly states in the summary of the resolution that the resolution provides for the consideration of H. 2485 when in fact it was meant to state that the rule provides for the consideration of S. 2485.

The rule provides 1 hour of debate in the House divided equally between the chairman and ranking minority member of the Committee on Resources. Further, the rule waives all points of order against consideration of the bill and provides for one motion to recommit with or without instructions.

Finally, the rule provides that a concurrent resolution directing the Clerk to make certain corrections to the enrollment of H.R. 2614 is adopted.

Mr. Speaker, in essence what this two-part rule will accomplish is the following: the first part provides for the consideration of S. 2485, which directs the Secretary of the Interior to work with Federal, State, and local agencies, historical societies and not-for-profit organizations to facilitate the development of a Regional Heritage Center in downtown Calais, Maine, before the 400th anniversary of the settlement of the Saint Croix Islands.

Saint Croix Island is located in the Saint Croix River, which forms the boundary between Canada and the United States and the State of Maine. Now, in 1604 and 1605, Pierre Dugua Sieur de Mons, with his company, established a French settlement on the island predating the English settlement at Jamestown, Virginia, in 1607. Saint Croix Island International Historic Site is administered by the National Park Service, preserving the site as a monument to the beginning of the United States and of Canada.

S. 2485 directs the Secretary of the Interior to work with Federal, State and local agencies, historical societies and nonprofits to provide assistance in planning, constructing and operating a Regional Heritage Center in downtown Calais. The bill authorizes the Secretary to enter into cooperative agreements, the appropriation of \$2 million for design and construction of the facility, and such sums as are necessary to maintain and operate interpretive exhibits.

The Congressional Budget Office estimates that implementing S. 2485 would cost \$2 million over the next 3 fiscal years. Additional annual expenses to help operate and maintain the center once it is completed in 2004 would not be significant.

The bill was introduced by Senators COLLINS and SNOWE of Maine on April 27, 2000, and passed the Senate by unanimous consent on October 5.

The second part of the rule dealing with the tax bill's enrollment and the minimum wage, is necessary because the Democratic leadership would not grant unanimous consent for the House to make this correction, which in essence helps to preserve the minimum wage. When drafting H.R. 5538, the portion of the tax relief bill providing for

increases in the minimum wage, there was an error which could have the unintended result of eliminating the minimum wage for a 6-month period. As a supporter of the minimum wage, I find it very difficult to believe but nevertheless recognize that the leadership on the other side of the aisle is playing politics with this issue. By opposing a unanimous consent request to make this technical yet critically important correction, the minority leadership is creating another roadblock to increasing the minimum wage and is actually serving in this situation to eliminate the minimum wage.

The rule, Mr. Speaker, self-executes the adoption of a concurrent resolution which otherwise would not be privileged to make this technical correction so that the minimum wage will continue to exist while orderly increases in that wage take place from \$5.15 an hour to \$5.65 and then to \$6.15 beginning January of 2002. So let no one be confused. The vote on the previous question and the vote on the rule is a vote on the minimum wage.

I would like to repeat that, Mr. Speaker, if I may. The vote on the previous question and the vote on the rule is a vote on the minimum wage. I strongly support this rule and urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. DIAZ-BALART), for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, the concurrent resolution for which this rule provides consideration will correct one of the mistakes in the tax bill that we passed last week. The way the bill was written, rather than raising the minimum wage, it really would have eliminated it from July 1, 2000, to December 31, 2000. So this concurrent resolution attempts to fix that. The problem, Mr. Speaker, is that is all this attempts to fix.

Mr. Speaker, if my Republican colleagues are able to make changes to this bill to fix a 6-month minimum wage hiatus, I would recommend that they not stop there. This partisan tax package includes a tax break for special interests to the tune of \$28 billion at the expense of the average American people. It does not include \$25 million in interest-free financing for school construction supported by a bipartisan group of 230 Members of Congress. That bill the President said he would sign, and it would enable 6,000 American schools to be modernized.

Furthermore, the tax bill does not include funding for 100,000 new teachers, emergency school repairs, teacher training or after-school programs. Instead, Mr. Speaker, it contains tax relief for big businesses, HMOs, and insurance companies. It also does not do enough for hospitals that were hurt and hurt very badly by the balanced budget cuts in Medicare. Instead, Mr.

Speaker, it directs a disproportionate amount of funds to the HMOs, who only serve 15 percent of the Medicare enrollees but get 40 percent of the funding.

Despite a few good points, Mr. Speaker, the overall tax package is really a disaster, and I urge my colleagues to insist that it be changed by opposing the previous question. If the previous question is defeated, I will offer an amendment to fix the minimum wage and the Balanced Budget Act so they can be signed into law.

My amendment, Mr. Speaker, would also raise the national minimum wage from \$5.15 an hour to \$6.15 an hour over the next year. It will also repair some of the damage done to the hospitals by Medicare and Medicaid cuts in the Republican Balanced Budget Act by providing a full hospital and hospice inflation update for 2 years. In contrast, Mr. Speaker, the Republican bill has only a 1-year update, then it makes cuts in the second year.

Mr. Speaker, the President has made it abundantly clear that a vote for the previous question is a vote against the minimum wage. A vote for the previous question is also a vote against fixing the Medicare and Medicaid cuts made by the Republican Balanced budget amendment. So I urge my colleagues to raise the minimum wage. I urge my colleagues to strengthen Medicare and Medicaid by defeating the previous question.

Mr. Speaker, I reserve the balance of my time.

□ 1245

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I am not so sure we are talking about the same bill, with all due respect to the gentleman from Massachusetts (Mr. MOAKLEY). The original minimum wage bill that was included in the tax package was \$1 spread out over 3 years. The President of the United States wanted \$1 over 2 years. I worked hard with Republican leaders to look at that aspect; and included in the tax package is a minimum wage increase of \$1 over 2 years, that the President had asked for, and it is noninflationary due to the following reason, and I support the tax provisions in the bill, and I urge the President to sign this bill.

Mr. Speaker, if that boss does not get a helping hand, he will grant that minimum wage by law, but he will lay off some of those very people we are trying to help at the bottom end of the ladder due to the constraints that may be placed upon him. I think there is fairness in this bill.

I have been listening to all of this talk about HMOs and hospitals. I want someone to tell me what hospital association or group opposes this bill? They all support the bill. But let us look now at managed care, which is really man-

aged costs. This did not just happen in the last 6 years. We have seen these dynamics in the last 20 years; and they were not fixed by either party so the private sector gave us the cold turkey. The private sector started making decisions based on dollars. I have to give credit to the bill that has been passed that is going to be sent to the President. It does make some good changes in the right direction.

Let us talk about the minimum wage. If we vote against this rule, we are voting against the minimum wage, because all it was was a technical error in the drafting that says the following: not less than \$5.15 an hour during the period ending June 30, and that was a technical error. The language should have been, during the period ending December 31 of the year 2000. We have pension reform in this bill.

Let us now talk about the school concerns my colleagues have. I support my colleagues on those school concerns, and there is a Labor-HHS bill to deal with that. It is not and should not be in a tax bill. The tax bill is specific. This particular rule makes that clerical change, the technical correction that is needed. I want to thank the leadership for doing it. I think the Democrat party should have done this on unanimous consent, and should have done it wholeheartedly. The President's \$1 over 2 years is in this tax bill, and the President should take a very good look at the tax provisions. They are good for America, they are good for workers, they are good for retirees, they are good for investment, they are good for the boss, and they are good for the workers.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time. I am constantly amazed at the rhetoric on this floor. The vote on the rule and the previous question has nothing to do with minimum wage, but it has everything to do with correcting another mistake. It has been acknowledged that a mistake was made. Quite frankly, there are a lot of mistakes being made the way we are legislating around here, but this is an honest mistake that was made that is being corrected, and there is no disagreement from anyone on correcting that mistake.

By defeating the previous question, it will allow us to correct another mistake. The vote on this rule is a vote about allowing the House to work in a bipartisan way to provide our rural and urban hospitals, teaching hospitals, home health providers, nursing homes and beneficiaries that they get the assistance and the relief that they need. By voting against the previous question, we can vote on a responsible package that corrects the shortcomings of the Medicare package that the Republican leadership put together last week, a mistake.

Let me remind everyone, the same people that have been eloquently defending their package of what they are doing are the same people that wrote the Balanced Budget Agreement of 1997. That ought to bother some of my friends on this side. The same people.

Now, we should have a full hospital prospective payment system update for 2 years, not just 1. Our rural hospitals need certainty. They do not need the continued uncertainty. They have had themselves dug into a hole by the cuts of the Balanced Budget Agreement that the same people that wrote believe now is a new solution.

It provides improving the formula for rural disproportionate share of hospitals. In addition, the provisions in the Republican-passed bill, the proposal that we can vote on in a moment, what we are trying to offer, would provide for a higher level of reimbursement for hospitals serving low-income individuals. All of us that represent those constituents know that is needed.

It provides a 10 percent bonus for rural home health agencies to compensate for the high cost of travel, lower volume of patients seen per hour, and we know that is needed. It provides a 2-year delay in the 15 percent cut in payments for home health agencies instead of the Republicans' 1-year delay. Surely we can reach a bipartisan compromise on this.

A mistake was made. A mistake was made. We can correct this mistake by voting down the previous question.

Again, we keep talking about how do we resolve this? Why did the leadership not accept the President's offer to meet yesterday to discuss an agreement of responsible tax relief in a Medicare package that provides assistance to health care providers as well as beneficiaries instead of providing over 40 percent of the funding for HMOs? Why did we not? We keep blaming, talking about world series games and all of this. That is history. Yesterday, the President was there.

Let me repeat what I said during the previous debate so our leaders can hear clearly, because they have failed to hear previously equally blunt statements. We will not have a final agreement that allows us to leave here without making sure we have given our health care providers the relief that they must have. We can do this in a bipartisan way. We can get over this anger, we can get over all of whatever it is that we are talking about. That is what this vote is on the previous question. Vote down the previous question and allow us to correct a mistake in Medicare and Medicaid for our hospitals and providers and nursing homes.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM).

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I think this resolution speaks to the rea-

sons that we are here today. We could come together on a lot of things, and we have over this Congress and previous Congresses, but there is a lot at stake, and that is the election of 2000. I think there has been partisanship on both sides of the aisle, and I would say that the majority of both Republicans and Democrats detest what we have to go through here on this House floor.

I want to tell my colleagues that there are things like Medicare and the health care package that the gentleman from Texas just spoke about. Is it perfect? No. California has probably more health care providers than any other State. It was put there to cut and reduce the expanding cost of health care, but yet still give quality health care. Medicare was going to go bankrupt. I heard about Medicare cuts. Even when the President signed the Medicare bill, Republicans tried to expand, and did expand Medicare from going bankrupt over 27 years.

There is rhetoric from that side of the aisle time and time and time again. The unions put over \$100 million against our proposal to save Medicare. Even as the President signed it and now AL GORE takes credit for it, the expansion of Medicare, the leadership on that side fought against it. The Balanced Budget Agreement that I just heard about, Alan Greenspan said it is one of the key issues in why the economy is good today.

Welfare reform. We have billions of dollars coming into the government from working Americans instead of billions of dollars going out.

Capital gains reductions. My colleagues said, oh, that is just a tax break for the rich. But again, Alan Greenspan said it is one of the key factors that not only created jobs and expanded the economy, but it paid for itself.

Listen to the debate over here. Everything that expanded the economy, the Democrat leadership fought against. As a matter of fact, not a single Clinton-Gore budget ever passed the House or the Senate from 1994 through now, but yet they claim the responsibility for the economy. And in 1993, we call it a tax increase, they call it an economic package. They increased the tax on Social Security, and we did away with that. They took every dime out of the Social Security Medicare trust fund; we put it into a lockbox, but yet they fought that.

For a year the ranking minority member said, we want a tax cut for the middle class. First of all, I would ask my colleagues not to use the term "middle class." There are no middle class citizens in this country. There is middle income, but not middle class. But yet, even in that package, they increase the tax on the middle income, and we are talking about the extremism of the leadership on that side. I think after November 7, they may have a new ranking minority member on the Democrat side, because the extreme measures that the Democrats have

gone through have not served them well.

Mr. Speaker, if my colleagues on the other side want this to come together with a package that is supported by the people that we are trying to help, because the hospitals support it; the National Hospital Association supports this package. It gives them the money they needed. I have hospitals in my district, many, and because of illegals, Irish illegal immigrants, if you want, are going to emergency services, driving up the cost of health care, and the overhead and the legal liability is killing our hospitals, and they need the additional funds. The nursing homes and the rest that my colleagues quoted, those organizations support the bill. But yet, my colleagues would fight us on that side.

Mr. Speaker, I would ask that yes, we will have campaign finance reform, but it will also deal with the unions, which JOHN MCCAIN supports, by the way, but he knows that the President would veto it. Yes, I think in the new President, I think if it is Governor Bush, that we will have meaningful and workable, and you will enjoy it, non-partisanship.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, the gentleman from California gave a lot of answers to questions that never were asked, but if we are going to get out of this Congress, and he represents the moderate view on the other side, we have far more difficulties that I expected.

All we are asking is that we vote down the previous question to give us an opportunity to create a rule that can deal with some of the problems that keep us here locked into the Congress. I would like to believe on the question of minimum wage that there are just as many Republicans that would like to get a vote on this as there are Democrats. This would give us an opportunity not only to correct the mistake that obviously has been made by the Republicans, but to give us once again an opportunity to go to the table and work out something that we can conclude is good for the American people and go home.

□ 1300

Clearly, we have a bill before us, the St. Croix Island Heritage Act; and Republicans now are trying to put the minimum wage repeal correction on it, which means they want to correct the mistake that they have made.

We want to correct both of these mistakes by having a better rule that gives us an opportunity to have a balanced budget giveback bill that really helps the hospitals in the rural areas and the inner-cities. And, certainly,

this would give us an opportunity to get out of Washington and get back home and get into our districts.

It makes no difference how much we lock into what we honestly believe. The only way we can succeed is by coming together in some type of an agreement. We all may not get all of the things that we want, but certainly there is some basic things that we think that should be included in a bill for us to get home. The rural disproportionate share hospitals, in addition to provisions in the Republican-passed bill, provides for higher level of reimbursement for rural hospitals that are serving low-income individuals.

My colleagues are not going to tell me that any national, State, or regional hospital association would not believe that hospitals are really having fiscal problems, whether in the rural areas or whether in the inner-cities, because low-income people or working people with no insurance have an inability to pay. This is something that we should want to fix, not as Democrats, not as Republicans, but as Members of Congress.

Mr. Speaker, so as Republicans have made mistakes with the minimum wage in not wanting to repeal it in its entirety, why not come back, revisit it, and give a minimum wage for all the American people to have, and also include with that a decent tax cut for small business employers. Let us try to work together and get out of here and go home and try to earn reelection, at least for the Democrats.

Mr. DIAZ-BALART. Mr. Speaker, I ask for the remaining time on each side.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) has 15½ minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 20½ minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. BALDACCI), the House sponsor of the St. Croix Island Heritage Act with the center being established in Calais, Maine.

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, for yielding me this time and for his leadership on the Committee on Rules.

Mr. Speaker, as the sponsor of the legislation on the House side, H.R. 4815, that was a companion bill to the Senate bill that was introduced by Senator COLLINS and Senator SNOWE, I would like to just speak to that portion that deals with the St. Croix Island Heritage Act, which is located in Calais, Maine, on the border between Maine and New Brunswick. It has been referred to as St. Croix Island River, which is the international boundary between the United States and Canada, the only international historic site in the National Parks system located 8 miles down river from Calais, Maine.

St. Croix Island is the site of one of the first French attempts in 1604 to colonize the territory they called Acadia. It is one of the first locations of the earliest European settlements in North America. The island lies west of the international border and can be seen from a National Park Service sighting on the main shore of the St. Croix River. The island can also be seen from a Parks Canada facility on the New Brunswick shore of the St. Croix River.

The Down East Heritage Center, which this legislation seeks to authorize, seeks to preserve, interpret, and develop the historical, cultural, and natural resources of Maine's most eastern region, Washington County. Through the interpretation and preservation of the rich resources in this vast and rural area, the Down East Heritage Center will promote economic development, support educational programs, and become a leading destination for heritage tourism.

The Down East Heritage Center is a project of the St. Croix Economic Alliance and the Sunrise Economic Council. Historically, it has been a hub of shipping commerce on the St. Croix River. The Calais waterfront is being revitalized as part of a comprehensive waterfront development plan. In eastern Maine, a remnant of quiet wilderness flourishes. The watershed of Passamaquoddy Bay reaches from forested uplands fed by pristine brooks and rivers and dotted with ancient bog lands to tidal shores at the Bay of Fundy's mouth in the Gulf of Maine.

It is a region of enormous tides, rocky island cliffs, and seabirds colonies, rafts of seals, pods of whales, salmon runs and fishing eagles. The St. Croix River connects a wide variety of habitat that, in turn, supports a diversity of plant and animal species. It is also a place of diverse cultures from the Passamaquoddy, the "People of the Dawn," to the first European settlers on the Island of St. Croix in 1604.

I support this legislation. It is supported by the Parks Service. It is supported by the administration.

Mr. Speaker, I also would like to have entered into the RECORD the statement by the gentleman from North Dakota (Mr. POMEROY), who is a frequent visitor of Calais, Maine, and has numerous friends and would like to have that entered into the RECORD.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume. We have, at this point, no other speakers. We may have another.

Mr. Speaker, I was shown a copy of the previous question amendment that the minority is proposing. They propose to strike H.R. 5543, which is the Medicare giveback bill, which by the way is supported by all providers. Now, the handout that the other side has given their Members talks about HMOs and HMOs and HMOs.

No, no, no. All providers support the increase in Medicare which we have achieved, and this legislation provides

for \$31.5 billion over 5 years. Now they want to substitute it with a bill that we are still waiting for. We have not even seen a copy.

So I have learned a lot in my 8 years here, but I have to admit this is one of the most amazing things I have seen, coming to the floor and opposing legislation in the context of a technical correction with which we are seeking to keep the minimum wage on the books, and in the context of opposing that technical correction, seeking to strike legislation that provides for over \$30 billion for providers for Medicare, and not even having shown us, the other side of the aisle, a copy of the legislation.

Well, I never cease to learn in this process. But that is what the other side, our friends on the other side of the aisle, are proposing to do at this time. So it is amazing.

Mr. Speaker, what we are doing, and I want to reiterate, what we are doing is a technical correction to make sure that the minimum wage stays on the books. And so opposing the rule at this point, and opposing the previous question, I reiterate, is opposing what we are seeking to do today, which is to make sure that the minimum wage stays on the books.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume just to tell the gentleman from Florida (Mr. DIAZ-BALART) that ours does the same thing to the minimum wage as theirs does, but we just go a little further in other matters.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I ask that we defeat the previous question and allow the Democrats to bring up an initiative which the gentleman from Florida is very much aware of. It basically seeks, among other things, to correct a lot of the health care inequities that the Republicans have refused to address in this Congress.

Now, we know that what the Republican tax bill did was to basically give all the money to the HMOs, or most of the money to the HMOs because they are their special-interest friends. The Republicans refuse to bring up the Patients' Bill of Rights. They refuse to bring up a prescription drug program.

The Democrats are saying simply that we want to correct this situation and make sure if the HMOs are going to get more money that they have to provide a 3-year guarantee that they are going to continue with the program with the seniors who sign up and that they get the same level of benefits, including prescription drugs. That makes sense for the average person.

Mr. Speaker, we are worried about the average person and how they are going to benefit from these health care initiatives.

At the same time what we are saying too is that we are going to try to address the Patients' Bill of Rights in a

small way by improving the appeals provisions for Medicare beneficiaries in this bill. The other thing we have been saying is that too much money is going to the HMOs and not enough to the hospitals and the home health care agencies and the nursing homes that need more money, because a lot of them are closing or not able to provide a sufficient quality health care. So we correct that as well.

Finally, what we have been saying is that the Republicans refuse to do anything to improve the problem for the uninsured. There are 42 million Americans that have no health insurance. We passed a bill a few years ago that expanded health care insurance for children, the CHIPS program, and we have had a number of other ideas. But the Republicans instead, they come up with this above-line tax deduction in their tax bill that does not help anybody but people who already have health insurance.

Mr. Speaker, what we are doing in this motion, if we are allowed to bring it up, is we are saying we want to expand the kids health care initiative, the CHIPS program. We want to enroll more children. We are trying in a small way with our initiative here today to make sure that the HMOs have to provide the same level of benefits for 3 years. They have to make sure that there is some way to deal with the Patients' Bill of Rights and try to enroll more children. It is a small measure, but at least something for the average guy.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), vice chair of the Democratic Caucus.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, the gentleman from Florida, my dear friend, says he is amazed at what he sees on the floor. So am I.

The title of this legislation is the St. Croix Island Heritage Act. But Republicans have to use this legislation in order to fix their sloppy, inefficient, incompetent form of legislating that has been brought to the floor.

It is Republicans ramming through legislation, and I am so glad to hear Governor Bush talk about bipartisanship. He needs to make a phone call to the majority of his party here to talk to them about creating bipartisanship, because it is ramming through the legislation without even talking to Democrats that caused, in part, a major mistake, leaving minimum wage workers without protection for 6 months.

Mr. Speaker, thank God for Democrats who pointed out to the Republican majority the error which today they seek to fix. It is Democrats who fought for the minimum wage increase, bringing Republicans kicking and screaming to this issue. And who, in fact, are here today fighting once again

not only for the working men and women to fix that mistake, but also to fix the mistake they have made on our hospitals, urban, rural, and teaching hospitals, to ensure that all in the community will have the access to the services they provide.

Mr. Speaker, we deserve to fix the mistakes not only on the minimum wage, but we also deserve to fix the mistakes that Republicans have made in reference to our hospitals. They allowed, through their errors, through their process, and through ramming it through, to leave the lowest wage earners subject to the corporate excesses of the marketplace. Now they would leave our hospitals to be ravaged by the corporate excesses of the HMO.

That is something we cannot tolerate. It is not something working men and women can accept. And that is why we must defeat the previous question.

Give us an opportunity to save our hospitals, and, yes, to save the working men and women of this country who were left exposed.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are doing in this legislation, and it was brought up previously by speakers on the other side of the aisle, technical mistakes are common. Unfortunately, they occur. They are scriveners errors, and they are resolved with unanimous consent requests. But what is amazing is that the unanimous consent request to fix the minimum wage, so it stays on the books for the 6 months that it would have been taken off the books if we would not have fixed it today, that fixing it would not have been agreed to by the Democrats by unanimous consent.

Mr. Speaker, that is really amazing. So we are fixing that scriveners mistake with this rule so the minimum wage will stay on the books. Again, I repeat, a vote on the previous question and a vote on the rule is a vote on the minimum wage.

In addition to that, we have legislation that the gentleman from California (Mr. THOMAS) and others have worked on for months to provide over \$30 million to the providers, to the medical providers in this country. It is supported by the medical providers across the board. \$31.5 billion over 5 years in increases in Medicare and providers throughout the United States are supporting that measure.

□ 1315

Yet, the other side now comes with a stealth bill, a secret bill that still we are waiting to see, saying that they want to fix other issues. No, no. We have a public bill, \$31.5 billion for providers, supported by all medical providers, and we are hit, then, with a stealth bill.

So we would like to see the stealth bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, may I request the amount of time remaining for both sides.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. MOAKLEY) has 13 minutes remaining. The gentleman from Florida (Mr. DIAZ-BALART) has 11½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I think it is somewhat disingenuous for our friends on the Republican side to advocate their Medicare give-back bill just claiming providers support it. The truth is, if one asks any of the Medicare providers and any of the hospitals if they prefer the version that they put on the floor or the version that we are trying to offer, I can assure my colleagues they will support that which we are trying to offer.

I want to read to my colleagues a letter I have from my hospital administrator from Jasper, Texas. I am trying to help many of my rural hospitals. Here is what he has to say: "We are extremely concerned because as the present language reads in the Bill, one-third to one-half of BBA relief over 10 years would go to the HMOs, leaving less for providers and beneficiaries in East Texas."

The truth of the matter is only 16 percent of the Medicare beneficiaries in this country are enrolled in HMO Medicare+Choice plans. Under the Republican version of this bill, 40 percent of the money goes to those HMOs. That is just not right. It is not going to save our rural hospitals. We can do better.

Mr. Speaker, I include the letter from the Christus Jasper Memorial Hospital Administrator for the RECORD, as follows:

CHRISTUS JASPER
MEMORIAL HOSPITAL,
Jasper, TX, October 18, 2000.

Congressman JIM TURNER
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN TURNER: I am writing to you as CEO/Administrator of CHRISTUS Jasper Memorial Hospital in Jasper, Texas, a small and rural Catholic hospital serving the citizens of Southeast Texas. We are still reeling from the devastating cuts of the Balanced Budget Act of 1997 and are seeking relief at your hands. We are asking for a full market basket update from Medicare inpatient services in 2001 and 2002 and also expand health care coverage from legal immigrants.

We are extremely concerned because as the present language reads in the Bill, one-third to one-half of BBA relief over 10 years would go to HMOs, leaving less for provider and beneficiaries in East Texas, such as CHRISTUS Jasper Memorial Hospital. Further, the Bill does not prohibit HMOs from dropping benefits or leaving the community as they have done here in Texas and left many of our patients without HMO coverage. We need your help.

Also rural hospitals need additional help by passing re-basing of sole community provider status and also Medicare dependent hospital status, as we are both.

I will be glad to discuss this with you at any time concerning this very vital issue. If

you have any questions, please do not hesitate to contact me.

Sincerely,

GEORGE N. MILLER, JR.,
CEO/Administrator.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from California (Mr. THOMAS). Perhaps he has a copy of the stealth bill.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I do not have a copy of the bill that was introduced today. But if anyone wants to know what it contains, it would be a little bit like going to an editing room of a movie producer and picking up all the pieces that have been cut out of the movie on the floor and then stitching it together and calling it a movie, for example.

It is my understanding that, for hospitals, instead of the negotiated agreement, which was more generous for hospitals than was contained, for example, in the Committee on Ways and Means Subcommittee on Health bill in which all of the Democrats on the subcommittee voted unanimously, it says that hospitals should get a 2-year market basket update. Does that sound fair? Let them have a 2-year market basket update.

However, if one reviews the history of financing of hospitals, one will discover this, and I apologize for doing this, because, apparently, facts in history are supposed to be checked at the cloakroom door as we come to the floor of the House and simply make up whatever moves someone about dollar amounts or percentage payments. But for what it is worth, the last time hospitals got a 1-year market basket update was in 1985. The average over the last decade for market basket updates have been market basket minus 1.7.

So what is being provided in the bill that passed the floor is market basket the 1st year, so for the first time since 1985, and then an adjustment from current law, which is market basket 1.1. That is six-tenths of a point better than what they have averaged over the last decade. We cut that in half. So it is twice as good as current law in terms of the percentage adjustment. We continue that for 2 more years. The hospitals have said that is fine. They are comfortable.

Now, what I hear is one of the most amazing arguments one will ever hear anywhere. Well, but the providers would like our bill better. Well, if they thought it had a chance of becoming reality, they would. Who would turn down more money? The question that one really has to put to the providers: Do you want the bird in hand, or do you want try to get the bird in the bush? The answer is the providers are more than happy with what we have done.

However, what one really needs to do is take a look at the bill, when and if we get a copy in legislative language. I know it was introduced about 20 min-

utes ago. What one will find is, for example, our friends on the other side using arguments like a 2-year freeze on the graduate medical education. The phrase they use is from their notes: Provides help to the Nation's premier teaching and research hospitals.

Read that in New York City. New York City has ripped off the graduate medical education program for more than a decade, funding their basic welfare costs out of the Federal taxpayers. Last year, with the agreements of the gentleman from New York (Mr. RANGEL) and the Senator from New York, Mr. MOYNIHAN, that we would in the 1999 refinement bill make these modest adjustments to begin to create a more level playing field between all of our fine teaching hospitals; and this attempts to undo that agreement.

But when one reads on, one finds that, in fact, just last night, we defeated a motion to instruct to require Medicare+Choice programs to stay in an area for 3 years. Of course all the arguments made were the correct ones. But here we go. They lost last night, and guess what? Off of the cutting room floor is another little snippet picked up and folded back in, exactly the same thing.

But when one begins to read the fine print in terms of their reaching out to assist various groups, especially in the area of disabled children, who does not want to help disabled children? But while AL GORE points to Governor Bush and says he has a tax cut for the wealthiest 1 percent, what we have in this bill is a benefit for disabled children whose families, whose families have a 600 percent of poverty level. How ironic. The same 1 percent that AL GORE says are being benefited by George Bush's tax provision, they want to provide disabled children assistance, 600 percent of poverty. That is the kind of fine tuning they want for these government programs.

When one takes a look at this package, it is all of the snippets from the cutting room floor. There really is not anything about patient protections. There is not anything about prescription drugs. It is a clear attempt to run through programs that were brought up, voted down in committee, but desired nonetheless to produce a package that is conservatively in the \$50 billion to \$60 billion range. But of course we do not know for sure. We have not seen the language of the bill itself. Of course, the Congressional Budget Office has not scored it.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, there is no mystery. There is nothing stealth about what we are doing. We are taking a bill that my colleagues put together, putting accountability into it for HMOs, and adding the provisions that many of us have been working for

and the President laid out clearly in his veto message or the message which indicated he might veto it. There is nothing secretive about it.

The reason hospitals are in difficult shape the gentleman from California (Mr. THOMAS) talks about since the mid-1980s, is because, in 1997, behind closed doors, talking about a stealth procedure, there were cuts made in reimbursement provisions way beyond what anyone imagined. The impact of those cuts is way beyond, way beyond what anyone expected.

Let me just mention the provisions that we are working for. The gentleman from California (Mr. ROHR-ABACHER), an hour ago, came to this floor in vain against illegal immigrants. I think he misshaped that argument saying we were trying to totally open the doors. No, we wanted equity for people who are here under the same circumstances as we granted amnesty to the gentleman from Florida (Mr. DIAZ-BALART) for those people that he represents.

Now we are arguing that legal immigrants, legal immigrants should be able, under State option, to receive Medicaid benefits. There is a letter here from three Governors urging that my colleagues grant it, including the Governor of the gentleman from Florida (Mr. DIAZ-BALART). He just gives it the back of his hand, no the gentleman from Florida (Mr. DIAZ-BALART) personally. Because we stood out on the grass here a month ago, or whenever it was, urging that the gentleman's party grant the States the right to cover children and pregnant women legal immigrants. His party says no to it.

Now, in terms of hospitals, look, all we are suggesting is, in the 2nd year, my colleagues not cut, because of the impact of the 1997 balanced budget agreement. There is nothing revolutionary. I know where my hospitals, the ones that I represent and in the metropolitan area are. They want something other than my colleagues have provided in this bill.

People with Lou Gehrig's Disease, they will not act. People who have other needs, other preventative conditions, they act on some, but they will not act on others. So we have been pleading with them to do so.

We have also asked, in terms of the Children's Health Initiative Program, for some assistance to the States so they will do better than Texas in terms of covering uninsured kids.

There is nothing stealth about this. It is very much in the open. We want a better bill than my colleagues have provided, a considerably better bill. Give us the chance. Their fear is, if we can bring it up, so many Members on their side will vote with us, we will pass it.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no doubt that the gentleman from Michigan (Mr. LEVIN) has knowledge, has personal

knowledge of a number of the items that he is pushing and that he is proposing, and some of which I very much agree with. I have no doubt.

What I am saying when I say stealth legislation is that we do not have a copy, and it was filed 20 minutes ago. That is what I am saying. That cannot be denied.

So the reality of the matter is that we are debating here with regard to large figures and significant pieces of legislation which are included in a bill that has just been filed.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want just to briefly indicate, and I know the gentleman from Michigan (Mr. LEVIN) feels strongly about the issue, he referenced the current law of the land as having been written behind closed doors. Perhaps he was not in the room when I indicated that the gentleman from New York (Mr. RANGEL) and the Senator from New York, Mr. MOYNIHAN, were in the room when we dealt with the issues in the Refinement Act of 1999.

I believe the closed door session he was referring to was the one that produced the Balanced Budget Act of 1997 on which was voted on in the Committee on Ways and Means, passed 34 to 1, came to the floor, was passed overwhelmingly, and which the administration negotiated and requested reductions, further reductions in payments to hospitals and other health care providers.

In fact, the President's budget at that time said that the Medicare providers should be reduced by more than \$125 billion over the 10 years. We fought the President. We thought it should not have been cut that much.

Yet, here we are being criticized for making sure that they were not cut as much as their President wanted to cut them, and it was not behind closed doors. In fact, it was participated in by the administration. The gentleman from Michigan (Mr. LEVIN) should be pleased that Republicans fought back against the President's \$125 billion additional cuts so that the adjustments that we are making now are modest ones referred to both in the 1999 bill and in this one as refinements instead of massive needs to infuse if, in fact, the President's program had been agreed to.

We did not think it was right then. We do not think it is right now. The idea of a balanced modest refinement of about \$30 billion is appropriate. This particular bill we believe is about \$50 billion to \$60 billion, consisting of all the items that were left on the cutting room floor when a reasonable and appropriate package were put together.

Mr. MOAKLEY. Mr. Speaker, may I again inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 8½

minutes remaining. The gentleman from Florida (Mr. DIAZ-BALART) has 3½ minutes remaining.

□ 1330

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I come to the House floor today to urge a "no" vote on the previous question in order that we may bring up a clean minimum wage increase bill and a clean Medicare giveback bill. The resolution that we have before us today does not give us the opportunity to focus on what is one of the most important pieces of legislation before this Congress.

For 2 years, we have been hearing from constituents in the health care community about the dire need to restore funding cuts made in the Medicare program in 1997. The Medicare funding is vital to rural and teaching hospitals, home health agencies and others who were put in financial distress by those Medicare cuts of 1997 and literally could mean the difference between staying open and having to shut their doors.

In my southern Wisconsin district, the additional payments are badly needed for providers like St. Clare Hospital in Baraboo and the Monroe Hospital and Clinics. It is time to stop playing politics with these vital issues that so strongly impact the lives and health of the people that we represent.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Speaker, I am here to highlight certain language that is in the Democratic alternative. The language I refer to was language that was introduced earlier this year by the gentlewoman from New Mexico (Mrs. WILSON) and myself. We introduced the legislation back in July of this year, and it was also included in the Medicare giveback bill that was reported out of the House Committee on Commerce. The language recognizes the great disparity that exists today between the costs and benefits of what seniors in States like Minnesota and New Mexico receive compared to what seniors in other States receive.

Our language will establish new minimum floor payments and provide relief to Minnesota seniors who are unfairly treated under the Medicare+Choice program. Unfortunately, health plans have been rapidly withdrawing from Medicare+Choice in Minnesota. Those that have remained in the program offer Minnesota seniors only minimal health care coverage, along with high premiums and copayments. However, in other States with high reimbursement rates, seniors enjoy Medicare benefits such as prescription drug coverage at no additional cost. This is unfair. Our legislation takes an important first step in rectifying that problem and in creating the right kind of incentives for an efficient health care delivery system in this country.

Mr. Speaker, I want to thank the sponsors of the Democratic alternative for including this language in the alternative.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to urge my colleagues to vote "no" on the previous question, because only if the previous question is defeated will the House be permitted to correct the minimum wage and the Medicare giveback measures in a way that they can be enacted into law.

Mr. Speaker, if the previous question is defeated, I will offer a germane amendment to the rule to fix the small business bill so that the President will sign it.

Mr. Speaker, the text of my amendment is as follows:

PREVIOUS QUESTION AMENDMENT CONFERENCE REPORT ON THE SAINT CROIX ISLAND HERITAGE ACT

In the resolution, strike section 3 and insert the following:

"SEC. 3. The text specified in section 2 is as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 2614), to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 1, insert before "are hereby enacted into law" the following: "as modified in accordance with section 3,".

(2) In section 2, insert before the period at the end the following: ", modified in accordance with section 3".

(3) Add at the end the following new section:

SEC. 3. MODIFICATION TO TEXT OF BILL ENACTED BY REFERENCE AND MODIFICATION OF A REFERENCE.

The modification referred to in sections 1 and 2 is to the text of the bill H.R. 5538, as referred to in section 1(I), and is as follows: The text of such bill is modified by striking all after the enacting clause and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Minimum Wage Act of 2000'.

"SEC. 2. MINIMUM WAGE INCREASE.

"Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended to read as follows:

"(1) except as otherwise provided in this section. Not less than \$5.15 an hour during the period ending December 31, 2000, not less than \$5.65 an hour during the year beginning January 1, 2001, and not less than \$6.15 an hour beginning January 1, 2002;".

SEC. 2. CHANGE OF BILL NUMBER REFERRED TO IN CONFERENCE REPORT.

In the enrollment of the bill referred to in the first section of this resolution, the Clerk shall make the following correction: in section 1(3), strike "H.R. 5543, as introduced on October 25, 2000" and insert "H.R. 5601, as introduced on October 30, 2000".

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS) for a point he wants to make.

Mr. THOMAS. Mr. Speaker, I appreciate the gentleman yielding me this time.

I just want to remind all my colleagues on the other side of the aisle

that if they do want to support this legislation, they must understand that with the \$20-plus billion they are putting in both for graduate medical education, for hospitals, and for the other payment increases, that it in fact increases the Medicare+Choice amount as well.

For all of my colleagues on the other side of the aisle who have been indicating they do not want money to go to the Medicare+Choice programs, I just do believe as a matter of honesty that they need to know that if they support the language in their bill, the Medicare+Choice payments will go up significantly, perhaps as much as \$10 billion to \$15 billion.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume to urge adoption of the rule and remind my colleagues that this is a vote on the minimum wage. It is a vote on the previous question and then the vote on the rule, but they are votes on the minimum wage.

Mr. RANGEL. Mr. Speaker, today, Representative DINGELL and I introduced a bill, H.R. 5601, to improve greatly the Medicare and Medicaid bill currently pending before the House and Senate.

The following outline describes how we would have significantly improved the nation's health care programs.

We saw an opportunity this morning to offer this bill as an amendment to other legislation today, so it was assembled quickly, and I apologize for any technical errors or oversights. Basically, the bill takes the Republican-passed Medicare and Medicaid give-backs bill, cleans up some problems in their coverage and appeals area, and adds in the various items included in the Administration's letter explaining how the bill should be changed to avoid a veto (the Shalala-Lew letter).

Mr. Speaker, Democrats will keep trying to improve the Republican Medicare and Medicaid bill. We ask that the majority stop the stonewalling and negotiate with us so that we can mutually deliver a comprehensive improvement in these key social programs.

DEFEAT THE PREVIOUS QUESTION: ALLOW DEMOCRATS TO OFFER THE FOLLOWING AMENDMENT

DEMOCRATS TAKE REPUBLICAN-PASSED MEDICARE/MEDICAID GIVE-BACKS BILL AND MAKE MAJOR IMPROVEMENTS

The alternative includes all the provisions which passed the House Thursday in HR 2614, and makes the following changes and additions:

Full hospital Prospective Payment System update for two years; The Republican bill had only a one year update, and cuts in the next two years. Hospitals reeling from BBA cuts need two years of full inflation adjustment.

Graduate Medical Education Payments, 2 year freeze at the 6.5 percent, compared to Republican-passed one year freeze, and a cut in the second year. Provides help to nation's premier teaching and research hospitals.

Rural Disproportionate Share Hospitals: in addition to the provisions in the Republican-passed bill, provides for a higher level of reimbursement for rural hospitals serving low income individuals.

Nursing Home staffing and quality: includes bipartisan proposals to provide an additional \$1 billion/5 years to assist nursing homes on improving staffing. Recent studies show that many homes need to make major improvements in staffing levels.

Home health agencies: provides a 2 year delay in the 15 percent cut in payments instead of the Republicans 1-year delay.

Rural home health agencies, provide a 10 percent bonus for service in rural areas to compensate for the high cost of travel, lower volume of patients seen per hour.

Hospice, full two year update, in lieu of the Republicans one-year update. Hospices need increased payments to deal with soaring cost of pharmaceuticals.

Puerto Rico Hospitals, improved payments. The Democratic bill includes the Ways and Means Health Subcommittee and Senate Finance Committee proposal to increase Puerto Rican hospital payments, which was dropped in the Republican-only negotiations.

Medicare+Choice program: Retains the payment improvements in the Republican-passed bill, but provides increases only if the plan commits to stay in a community with a defined package of benefits for a three year period.

Medicare Coverage for Individuals with ALS (Lou Gherig's disease): Waives 24-month waiting period for individuals diagnosed with ALS so that they can become eligible for coverage under Medicare immediately. Because of the speed with which ALS progresses, these individuals would likely otherwise be dead before ever getting Medicare coverage. Capps bill cosponsored by 282 House Members.

Medicare Appeals provision: makes the provision in the Republican-passed bill workable and similar to the Patient Bill of Rights protections for Medicare beneficiaries.

Needlestick safety for workers in public hospitals.

Hospital-based SNF and Home Health Agency geographic reclassification (provision from Commerce Committee-reported bill).

MEDICAID AND CHIP PROVISIONS—FROM COMMERCE-PASSED BIPARTISAN PACKAGE

Medicaid Disproportionate Share Hospital (DSH) Increased Payments: Freeze Medicaid DSH cuts at 2000 levels. Annual update of DSH allotment for inflation beginning in 2001 and thereafter, and eliminates the "cliff" in FY 2003 allotments that was in the Republican bill.

Optional Coverage of Legal Immigrant Children and Pregnant Women in Medicaid and CHIP: States may extend coverage to legal immigrant children and pregnant women who have lawfully resided in the U.S. for 2 years. Sponsors of immigrants would not incur a debt for cost of Medicaid benefits provided and not asked to repay the value of medical care after the 2-year period had been met.

Improved/Expanded Outreach Sites for enrollment in Medicaid and CHIP: State option to allow additional entities to determine children "presumptively eligible" for health insurance in Medicaid or CHIP.

Improving Welfare to Work Transition: Extends Transitional Medicaid Assistance (TMA) program for one additional year. (This program provides Medicaid health insurance for up to one year for families [up to 185 percent of poverty] who are transitioning from welfare to work.) Gives states the option to simplify requirements for reporting eligibility. Gives states that already cover individuals up to 185 percent the option to be exempt from TMA requirement.

Improved Outreach/Enrollment in Cost-Sharing Assistance Programs for Low-Income Medicare Beneficiaries: Secretary of HHS to consult with states, beneficiary groups to develop a simplified application form for applying for Qualified Medicare Beneficiary (QMB) and Specified Low-Income Medicare Beneficiary (SLMB) programs. Sec-

retary would make form available in all Social Security offices, as well as other sites frequented by seniors within one year of enactment.

Health Insurance for Disabled Children: Democrats include the Family Opportunity Act which allows working families with incomes above the Social Security limit to buy-in to Medicaid coverage.

Medicaid recognition of physician assistant (PA) services.

Mr. POMEROY. Mr. Speaker, I rise in support of S. 2485, an act to develop a regional heritage center for the St. Croix Island International Historic Site in Calais, Maine.

As we prepare to celebrate the bicentennial of the historic Lewis and Clark expedition opening up the West, it is also important to note that the 400th anniversary of the first European settlements established in North America—including the St. Croix Island settlement established 396 years ago.

This site—the St. Croix Island—is a strikingly beautiful site in the St. Croix River, the river which forms the border between the United States and Canada. As such, it is a jointly operated site by the United States and Canada—the only internationally operated historic site in the entire park system.

I have been to the areas in each of the last 5 years and have found it to be a fascinating area to explore and learn about its rich history.

With the approaching anniversary, it is important to move now to get the infrastructure in place to facilitate those who will come to the area in the years ahead.

I am pleased to see the bill providing for the construction of a heritage center at Calais, Maine as part of this infrastructure. Calais is a delightful town in wonderful Washington County and is close to the island while being a crossroads for international traffic and tourism. It will enhance and increase tourist interest in this important historic site. I have become well acquainted with the people of Calais over the last several summers and have found them to be friendly and helpful to those visiting the area. They will be a great host for the center.

I commend Representative JOHN BALDACCIO for his leadership in getting this matter brought to the floor for our action today. He is a great ambassador for his district and, as our legislative action on this matter represents, a very effective representative of the region in Congress.

Mr. DINGELL. Mr. Speaker, I rise in support of the Democratic amendment to be offered by Mr. MOAKLEY if the vote on the previous question is defeated. This amendment would make vast improvements over the legislation offered by the Republican leadership.

In my home state of Michigan and in every other state across the country, Medicare and Medicaid beneficiaries and providers are looking to Congress to address the program cuts enacted in 1997. The Republican leadership offered a bill last week that was woefully inadequate—it omitted key beneficiary protections, shortchanged providers, and dumped billions of dollars to HMOs without requiring any accountability.

The Democratic alternative includes the good provisions of the Republican bill, but makes up the difference where the Republican bill fell short. The Democratic amendment includes program improvements for seniors, the disabled, working families, pregnant women, and children. The bill improves outreach and enrollment for low-income seniors in cost-sharing assistance programs; allows families to

keep health insurance coverage as the transition from welfare to work; allows states the option to provide health insurance coverage to legal immigrant children and pregnant women; and provides working families the opportunity to buy-in to Medicaid coverage for their disabled child.

The Democratic amendment also includes additional assistance to providers who are still reeling from the cuts they took in the 1997 Balanced Budget Act—providers like home health agencies, nursing homes, and hospitals that serve a disproportionate share of the low-income and uninsured.

I urge my colleagues on both sides of the aisle to support this amendment. Our providers and beneficiaries back home are counting on it.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 189, nays 169, not voting 74, as follows:

[Roll No. 582]

YEAS—189

Aderholt	Cubin	Hayes
Armey	Cunningham	Hayworth
Bachus	Davis (VA)	Herger
Baker	Deal	Hill (MT)
Baldacci	DeLay	Hilleary
Ballenger	DeMint	Hobson
Barrett (NE)	Diaz-Balart	Hoekstra
Bartlett	Doolittle	Horn
Barton	Dreier	Hostettler
Bass	Duncan	Houghton
Bereuter	Dunn	Hunter
Biggert	Ehlers	Hutchinson
Bilbray	Ehrlich	Hyde
Bilirakis	Emerson	Isakson
Bliley	English	Istook
Blunt	Ewing	Jenkins
Boehlert	Fletcher	Johnson (CT)
Boehner	Foley	Johnson, Sam
Bonilla	Fossella	Jones (NC)
Bono	Frelinghuysen	Kelly
Bryant	Gallegly	Kingston
Burr	Ganske	Knollenberg
Burton	Gekas	Kuykendall
Buyer	Gibbons	LaHood
Callahan	Gilchrest	Largent
Calvert	Gillmor	Latham
Camp	Gilman	LaTourette
Canady	Goode	Leach
Cannon	Goodlatte	Lewis (CA)
Castle	Goodling	Lewis (KY)
Chabot	Goss	Linder
Chambliss	Graham	LoBiondo
Chenoweth-Hage	Granger	Lucas (OK)
Coble	Green (WI)	Manzullo
Coburn	Greenwood	McCrery
Collins	Gutknecht	McHugh
Combest	Hall (TX)	McKeon
Cook	Hansen	Miller (FL)
Cox	Hastings (WA)	Miller, Gary

Moran (KS)	Rogan
Morella	Rogers
Myrick	Rohrabacher
Nethercutt	Ros-Lehtinen
Ney	Roukema
Northup	Royce
Norwood	Ryan (WI)
Nussle	Ryun (KS)
Packard	Salmon
Paul	Sanford
Pease	Saxton
Peterson (MN)	Schaffer
Peterson (PA)	Sensenbrenner
Petri	Sessions
Pickering	Shadegg
Pitts	Sherwood
Pombo	Shimkus
Porter	Simpson
Portman	Skeen
Pryce (OH)	Smith (MI)
Quinn	Smith (NJ)
Ramstad	Smith (TX)
Regula	Souder
Reynolds	Spence

NAYS—169

Andrews	Gutierrez
Baca	Hall (OH)
Baird	Hill (IN)
Baldwin	Hinchey
Barcia	Hinojosa
Barrett (WI)	Hoeffel
Becerra	Holden
Bentsen	Holt
Berkley	Hooley
Berman	Hoyer
Berry	Inslee
Bishop	Jackson (IL)
Blagojevich	Jackson-Lee
Blumenauer	(TX)
Bonior	Jefferson
Borski	John
Boswell	Kennedy
Boyd	Kildee
Brady (PA)	Kilpatrick
Capps	Kind (WI)
Capuano	Klecza
Cardin	Kucinich
Carson	Lampson
Clay	Larson
Clayton	Lee
Clement	Levin
Clyburn	Lewis (GA)
Condit	Lofgren
Costello	Lowey
Coyne	Lucas (KY)
Cramer	Luther
Cummings	Maloney (CT)
Davis (FL)	Markey
DeFazio	Matsui
DeGette	McCarthy (NY)
DeLauro	McDermott
Deutsch	McGovern
Dicks	McIntyre
Dingell	McKinney
Dixon	McNulty
Doggett	Meehan
Dooley	Meek (FL)
Doyle	Meeks (NY)
Edwards	Menendez
Engel	Millender
Eshoo	McDonald
Etheridge	Miller, George
Evans	Minge
Farr	Mink
Filner	Moakley
Ford	Mollohan
Frost	Moore
Gedjenson	Moran (VA)
Gephardt	Murtha
Gonzalez	Nadler
Gordon	Napolitano
Green (TX)	Oberstar

NOT VOTING—74

Abercrombie	Danner	Johnson, E. B.
Ackerman	Davis (IL)	Jones (OH)
Allen	Delahunt	Kanjorski
Archer	Dickey	Kaptur
Barr	Everett	Kasich
Boucher	Fattah	King (NY)
Brady (TX)	Forbes	Klink
Brown (FL)	Fowler	Kolbe
Brown (OH)	Frank (MA)	LaFalce
Campbell	Frank (NJ)	Lantos
Conyers	Hastings (FL)	Lazio
Cooksey	Hefley	Lipinski
Crane	Hilliard	Maloney (NY)
Crowley	Hulshof	Martinez

Mascara	Payne	Stark
McCarthy (MO)	Pickett	Stearns
McCollum	Radanovich	Talent
McInnis	Riley	Taylor (NC)
McIntosh	Sawyer	Watkins
Metcalfe	Scarborough	Weldon (FL)
Mica	Shaw	Weyand
Neal	Shays	Whitfield
Ose	Shuster	Wise
Oxley	Snyder	Wolf
Pascrell	Spratt	

□ 1356

Mr. OWENS, Mr. FARR of California, and Ms. BERKLEY changed their vote from “yea” to “nay.”

Mr. SALMON changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 582, I was unable to vote. Had I been present, I would have voted “yea.”

Stated against:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 582, I was unavoidably detained. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 348, noes 0, answered “present” 1, not voting 83, as follows:

[Roll No. 583]

AYES—348

Aderholt	Callahan	Dingell
Andrews	Calvert	Dixon
Armey	Camp	Doggett
Baca	Canady	Dooley
Bachus	Cannon	Doolittle
Baird	Capps	Doyle
Baker	Capuano	Dreier
Baldacci	Cardin	Duncan
Baldwin	Carson	Dunn
Ballenger	Castle	Edwards
Barrett (NE)	Chabot	Ehlers
Barrett (WI)	Chambliss	Ehrlich
Bartlett	Chenoweth-Hage	Emerson
Bass	Clay	Engel
Becerra	Clayton	English
Bentsen	Clement	Eshoo
Bereuter	Clyburn	Etheridge
Berkley	Coble	Evans
Berman	Coburn	Ewing
Berry	Collins	Farr
Biggert	Combest	Filner
Bilbray	Condit	Fletcher
Bilirakis	Cook	Foley
Blagojevich	Costello	Ford
Bliley	Cox	Fossella
Blumenauer	Coyne	Frelinghuysen
Blunt	Cramer	Frost
Boehlert	Cubin	Gallegly
Boehner	Cummings	Ganske
Bonilla	Davis (FL)	Gedjenson
Bonior	Davis (VA)	Gekas
Bono	Deal	Gephardt
Borski	DeFazio	Gibbons
Boswell	DeGette	Gilchrest
Boyd	DeLauro	Gillmor
Brady (PA)	DeLay	Gonzalez
Bryant	DeMint	Goode
Burr	Deutsch	Goodlatte
Burton	Diaz-Balart	Goodling
Buyer	Dicks	Gordon

Goss	McCarthy (NY)	Salmon
Graham	McCrery	Sanchez
Granger	McDermott	Sanders
Green (WI)	McGovern	Sandlin
Greenwood	McHugh	Sanford
Gutierrez	McIntyre	Saxton
Gutknecht	McKeon	Schaffer
Hall (OH)	McKinney	Schakowsky
Hall (TX)	McNulty	Scott
Hansen	Meehan	Sensenbrenner
Hastings (WA)	Meek (FL)	Serrano
Hayes	Meeks (NY)	Sessions
Hayworth	Menendez	Shadegg
Herger	Millender	Sherman
Hill (IN)	McDonald	Sherwood
Hill (MT)	Miller (FL)	Shimkus
Hilleary	Miller, Gary	Shows
Hinches	Miller, George	Simpson
Hinojosa	Minge	Sisisky
Hobson	Mink	Skeen
Hoefel	Moakley	Skelton
Hoekstra	Mollohan	Slaughter
Holden	Moore	Smith (MI)
Holt	Moran (KS)	Smith (NJ)
Hooley	Moran (VA)	Smith (TX)
Horn	Morella	Smith (WA)
Hostettler	Murtha	Souder
Houghton	Myrick	Spence
Hoyer	Nadler	Stabenow
Hunter	Napolitano	Strickland
Hutchinson	Nethercutt	Stump
Hyde	Ney	Stupak
Inslee	Northup	Sununu
Isakson	Norwood	Sweeney
Istook	Nussle	Tancredo
Jackson (IL)	Oberstar	Tanner
Jackson-Lee	Obey	Tauscher
(TX)	Olver	Tauzin
Jefferson	Ortiz	Taylor (MS)
Jenkins	Owens	Terry
John	Packard	Thomas
Johnson (CT)	Pallone	Thompson (CA)
Johnson, Sam	Pastor	Thompson (MS)
Jones (NC)	Pease	Thornberry
Kelly	Pelosi	Thune
Kennedy	Peterson (MN)	Thurman
Kildee	Peterson (PA)	Tiahrt
Kilpatrick	Petri	Tierney
Kind (WI)	Phelps	Toomey
Kingston	Pickering	Towns
Kleczka	Pitts	Trafficant
Knollenberg	Pombo	Turner
Kucinich	Pomeroy	Udall (CO)
Kuykendall	Porter	Udall (NM)
LaHood	Portman	Upton
Lampson	Pryce (OH)	Velazquez
Largent	Quinn	Visclosky
Larson	Rahall	Vitter
Latham	Ramstad	Walden
LaTourette	Regula	Walsh
Leach	Reyes	Wamp
Lee	Reynolds	Watt (NC)
Levin	Rivers	Watts (OK)
Lewis (CA)	Rodriguez	Waxman
Lewis (GA)	Roemer	Weiner
Lewis (KY)	Rogan	Weldon (PA)
Linder	Rogers	Weller
LoBiondo	Rohrabacher	Wexler
Lofgren	Ros-Lehtinen	Wicker
Lowey	Rothman	Wilson
Lucas (KY)	Roukema	Wolf
Lucas (OK)	Roybal-Allard	Woolsey
Luther	Royce	Wu
Maloney (CT)	Rush	Wynn
Manzulio	Ryan (WI)	Young (AK)
Markey	Ryun (KS)	Young (FL)
Matsui	Sabo	

ANSWERED "PRESENT"—1

Paul

NOT VOTING—83

Abercrombie	Cunningham	Johnson, E. B.
Ackerman	Danner	Jones (OH)
Allen	Davis (IL)	Kanjorski
Archer	Delahunt	Kaptur
Barcia	Dickey	Kasich
Barr	Everett	King (NY)
Barton	Fattah	Klink
Bishop	Forbes	Kolbe
Boucher	Fowler	LaFalce
Brady (TX)	Frank (MA)	Lantos
Brown (FL)	Franks (NJ)	Lazio
Brown (OH)	Gilman	Lipinski
Campbell	Green (TX)	Maloney (NY)
Conyers	Hastings (FL)	Martinez
Cooksey	Hefley	Mascara
Crane	Hilliard	McCarthy (MO)
Crowley	Hulshof	McCollum

McInnis	Radanovich	Stearns
McIntosh	Rangel	Stenholm
Metcalfe	Riley	Talent
Mica	Sawyer	Taylor (NC)
Neal	Scarborough	Waters
Ose	Shaw	Watkins
Oxley	Shays	Weldon (FL)
Pascrell	Shuster	Weygand
Payne	Snyder	Whitfield
Pickett	Spratt	Wise
Price (NC)	Stark	

□ 1404

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 583, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. STEARNS. Mr. Speaker, on rollcall No. 583, I was not unable to vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 439 is hereby adopted.

The text of House Concurrent Resolution 439 is as follows:

"Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

"(1) In section 1, insert before 'are hereby enacted into law' the following: ', as modified in accordance with section 3,'.

"(2) In section 2, insert before the period at the end the following: ', modified in accordance with section 3'.

"(3) Add at the end the following new section:

"SEC. 3. MODIFICATION TO TEXT OF BILL ENACTED BY REFERENCE.

"The modification referred to in sections 1 and 2 is to the text of the bill H.R. 5538, as referred to in section 1(1), and is as follows: the quoted matter in the amendment proposed to be made by section 2 of such bill is modified by striking "June 30, 2000" and inserting "December 31, 2000".'"

PERSONAL EXPLANATION

Mr. EVERETT. Mr. Speaker, on October 30, due to the need to be with my wife during her surgery, I was unable to cast my vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 577, on approving the Journal—"yea"; rollcall No. 578, on passage of H.J. Res. 120: making further continuing appropriations for the fiscal year 2001, and for other purposes—"yea"; rollcall No. 579, on setting the Hour of Meeting—"yea"; rollcall No. 580, on ordering the previous question. H. Res. 662: providing for consideration of certain joint resolutions making further continuing appropriations for the fiscal year 2001, and for other purposes—"yea"; rollcall No. 581, on agreeing to H. Res. 662—"yea"; rollcall No. 582, on ordering the previous question, H. Res. 663: providing for consideration of S. 2485, the St. Croix Island Heritage Act, and providing for the adoption of a concurrent resolution to make certain corrections in the enrollment of

the bill H.R. 2614, the Certified Development Company Program Improvements Act of 2000—"yea"; rollcall No. 583, on agreeing to H. Res. 663—"aye".

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, I was unavoidably absent today when the House debated and voted "On Approving the Journal", H.J. Res. 120 "Further Continuing Appropriations for FY 2001", "On a Motion on the Hour of Meeting", on "Ordering the Previous Question on H. Res. 662 Providing for consideration of certain joint resolutions making further continuing appropriations for FY 2001", on H. Res. 662 "Providing for consideration of certain joint resolutions making further continuing appropriations for FY 2001", on "Ordering the Previous Question on H. Res. 663 Providing for consideration of S. 2485; and Corrections in the enrollment of H.R. 2614", and on H. Res. 662, "Providing for consideration of S. 2485; and Corrections in the enrollment of H.R. 2614."

Had I been present, I would have voted "aye" on "Approving the Journal" (rollcall vote 577), "aye" on H.J. Res. 120 (rollcall vote 578), "aye" on a "Motion on the Hour of Meeting" (rollcall vote 579), "aye" on "Ordering the Previous Question on H. Res. 662" (rollcall vote 580), "aye" on H. Res. 662 (rollcall vote 581), "aye" on "Ordering the Previous Question on H. Res. 663" (rollcall vote 582), and "aye" on H. Res. 663 (rollcall vote 583).

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unavoidably detained and could not vote on rollcalls No. 582 and 583. Had I been present, I would have voted "yea" for each of these measures.

SAINT CROIX ISLAND HERITAGE ACT

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to House Resolution 663, I call up the Senate bill (S. 2485) to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 2485 is as follows:

S. 2485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saint Croix Island Heritage Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) **PURPOSE.**—The purpose of this Act is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ISLAND.**—The term “Island” means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) **IN GENERAL.**—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) **COOPERATIVE AGREEMENTS.**—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) **DESIGN AND CONSTRUCTION.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act (including the design and construction of the regional heritage center) \$2,000,000.

(2) **EXPENDITURE.**—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) **OPERATION AND MAINTENANCE.**—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

The **SPEAKER** pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 663, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 2485, the St. Croix Island Heritage Act. This bill directs the Secretary of the Interior to provide assistance in planning and constructing a Regional Heritage Center in Calais, Maine.

St. Croix Island is located in the St. Croix River between Maine and Canada. It is the only international historic site in the national park system. In 1604, the French landed on the island and began construction of a settlement, which became the first permanent settlement in the New World. In October 1998, the National Park Service completed a general management plan to manage and interpret the St. Croix Island international historic site. In the year 2004, the U.S. and Canada will celebrate the 400th anniversary of the settlement of the St. Croix Island. This bill will facilitate the development of a Regional Heritage Center in downtown Calais, Maine, to be a central focus point for this celebration.

The bill authorizes \$2 million for the planning and construction of the heritage center and requires a dollar-for-dollar match by non-Federal sources. I believe that this bill has merit, and I support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

S. 2485 is a noncontroversial bill that authorizes the Secretary of the Interior to assist in the construction of a Regional Heritage Center on St. Croix Island. St. Croix Island is located in the middle of the St. Croix River, which forms the boundary between the United States and Canada. The proposed heritage center will be built as part of the upcoming 400th anniversary of the settlement of St. Croix Island.

The National Park Service administers the St. Croix Island international historic site on the island. The proposed heritage center is consistent with Park Service plans for interpretation of the historic site and the island.

The Secretary is authorized to contribute \$2 million toward the construction of the heritage center, provided that each Federal dollar is matched by funds from non-Federal sources.

A House companion measure was introduced by the gentleman from Maine (Mr. BALDACCI).

Mr. CLAY. Mr. Speaker, last week, the Republican leadership hastily sandwiched a minimum wage increase into its tax bill, that was so poorly written it repealed the minimum wage for six months. Today, they are using the bill before us to correct this major error. Perhaps, if they had only chosen to work in a bipartisan way to craft their tax bill, a sloppy mistake like this could have been avoided. The Republican leadership chose, instead, to push through a bill that was all their own, that is destined for a veto because it is full of bad policy and tax benefits for their special interest friends. The tax bill is being used by the Republican leadership to claim they are for increasing the minimum wage, when they are really not. They knew that by tying it to a doomed tax bill, it could not become law. The Democrats in this Congress, on the other hand, strongly support a \$1 increase in the minimum wage and would take effective action to make it happen. We rejected the Republican's scheme, which now requires a quick fix in order to maintain the illusion they sought to create. Let's do the right thing for American Workers and pass a real minimum wage increase now!

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The **SPEAKER** pro tempore. All time for debate has expired.

The Senate bill is considered as having been read for amendment.

Pursuant to House Resolution 663, the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

PRIBILOF ISLANDS TRANSITION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1653) to approve a governing international fishery agreement between the United States and the Russian Federation, as amended.

The Clerk read as follows:

H.R. 1653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PRIBILOF ISLANDS

SEC. 101. SHORT TITLE.

This title may be referred to as the “Pribilof Islands Transition Act”.

SEC. 102. PURPOSE.

The purpose of this title is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

SEC. 103. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.

Public Law 89-702 (16 U.S.C. 1151 et seq.), popularly known and referred to in this title as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

“SEC. 206. FINANCIAL ASSISTANCE.

“(a) GRANT AUTHORITY.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

“(2) USE FOR MATCHING.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

“(3) RESTRICTION ON USE.—The Secretary may not use financial assistance authorized by this Act—

“(A) to settle any debt owed to the United States;

“(B) for administrative or overhead expenses; or

“(C) for contributions sought or required from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

“(4) FUNDING INSTRUMENTS AND PROCEDURES.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(5) PRO RATA DISTRIBUTION OF ASSISTANCE.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

“(b) SOLID WASTE ASSISTANCE.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

“(2) TRANSFER.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104-182, except that subsection (b) of that section shall not apply to those funds.

“(3) LIMITATION.—In order to be eligible to receive financial assistance under this subsection, not later than 180 days after the date of enactment of this paragraph, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the tract or

tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

“(1) for assistance under subsection (a) a total not to exceed—

“(A) \$9,000,000, for grants to the City of St. Paul;

“(B) \$6,300,000, for grants to the Tanadgusix Corporation;

“(C) \$1,500,000, for grants to the St. Paul Tribal Council;

“(D) \$6,000,000, for grants to the City of St. George;

“(E) \$4,200,000, for grants to the St. George Tanaq Corporation; and

“(F) \$1,000,000, for grants to the St. George Tribal Council; and

“(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed—

“(A) \$6,500,000 for the City of St. Paul; and

“(B) \$3,500,000 for the City of St. George.

“(d) LIMITATION ON USE OF ASSISTANCE FOR LOBBYING ACTIVITIES.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

“(e) IMMUNITY FROM LIABILITY.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of—

“(1) having provided assistance to the State of Alaska under subsection (b); or

“(2) providing funds for, or planning, constructing, or operating, any interim solid waste management facilities that may be required by the State of Alaska before permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

“(f) REPORT ON EXPENDITURES.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

“(g) CONGRESSIONAL INTENT.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.”.

SEC. 104. DISPOSAL OF PROPERTY.

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

“(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

“(1) a description of all property specified in the document referred to in subsection (a)

that has been conveyed under that subsection;

“(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

“(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law.”; and

(2) by striking subsection (g).

SEC. 105. TERMINATION OF RESPONSIBILITIES.

(a) FUTURE OBLIGATION.—

(1) IN GENERAL.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note).

(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this title; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

(3) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) CONFORMING AMENDMENT.—Section 3(c)(1) of Public Law 104-91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) PROPERTY CONVEYANCE AND CLEANUP.—

(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary of Commerce certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104-91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(3) **FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.**—(A) On and after the date on which section 3(b)(5) of Public Law 104-91 (16 U.S.C. 1165 note) is repealed pursuant to subsection (c), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104-91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) **CERTAIN RESERVED RIGHTS NOT CONDITIONS.**—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(c) **REPEALS.**—Effective on the date on which the Secretary of Commerce makes the certification described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note).

(d) **SAVINGS.**—

(1) **IN GENERAL.**—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) **DOCUMENTS DESCRIBED.**—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) **DEFINITIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) **NATIVES OF THE PRIBILOF ISLANDS.**—For purposes of this section, the term “Natives of the Pribilof Islands” includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

SEC. 106. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) are amended by—

(1) striking “(d)” and all that follows through the heading for subsection (d) of section 3 of Public Law 104-91 and inserting “**SEC. 212.**”; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking “on such Islands” and insert “on such property”.

(c) The Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) is amended by inserting before title I the following:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Fur Seal Act of 1966.’”

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) is amended—

(1) by striking subsection (f) and inserting the following:

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005 for the purposes of carrying out this section.

“(2) **LIMITATION.**—None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska.”; and

(2) by adding at the end the following:

“(g) **LOW-INTEREST LOAN PROGRAM.**—

“(1) **CAPITALIZATION OF REVOLVING FUND.**—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to \$2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

“(2) **LOW-INTEREST LOANS.**—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

“(3) **NATIVES OF THE PRIBILOF ISLANDS DEFINED.**—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term ‘Natives of the Pribilof Islands’ includes the Tanadgusix and Tanaq Corporations.

“(4) **REVERSION OF FUNDS.**—Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the re-

volving fund, including principal and interest paid into the revolving fund as repayment of loans.”

TITLE II—CORAL REEF CONSERVATION

SEC. 201. SHORT TITLE.

This title may be cited as the “Coral Reef Conservation Act of 2000”.

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to preserve, sustain, and restore the condition of coral reef ecosystems;

(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities and the Nation;

(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;

(4) to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;

(5) to provide financial resources for those programs and projects; and

(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

SEC. 203. NATIONAL CORAL REEF ACTION STRATEGY.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Resources of the House of Representatives and publish in the Federal Register a national coral reef action strategy, consistent with the purposes of this title. The Administrator shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary may consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).

(b) **GOALS AND OBJECTIVES.**—The action strategy shall include a statement of goals and objectives as well as an implementation plan, including a description of the funds obligated each fiscal year to advance coral reef conservation. The action strategy and implementation plan shall include discussion of—

(1) coastal uses and management;

(2) water and air quality;

(3) mapping and information management;

(4) research, monitoring, and assessment;

(5) international and regional issues;

(6) outreach and education;

(7) local strategies developed by the States or Federal agencies, including regional fishery management councils; and

(8) conservation, including how the use of marine protected areas to serve as replenishment zones will be developed consistent with local practices and traditions.

SEC. 204. CORAL REEF CONSERVATION PROGRAM.

(a) **GRANTS.**—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs (hereafter in this title referred to as “coral conservation projects”), for proposals approved by the Administrator in accordance with this section.

(b) **MATCHING REQUIREMENTS.**—

(1) **50 PERCENT.**—Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) **WAIVER.**—The Administrator may waive all or part of the matching requirement

under paragraph (1) if the Administrator determines that no reasonable means are available through which applicant can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(c) **ELIGIBILITY.**—Any natural resource management authority of a State or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal under subsection (e).

(d) **GEOGRAPHIC AND BIOLOGICAL DIVERSITY.**—The Administrator shall ensure that funding for grants awarded under subsection (b) during a fiscal year are distributed in the following manner:

(1) No less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States.

(2) No less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States.

(3) Remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator. When identifying emerging threats or priorities, the Administrator may consult with the Coral Reef Task Force.

(e) **PROJECT PROPOSALS.**—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A description of the qualifications of the individuals who will conduct the project.

(3) A succinct statement of the purposes of the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support for the project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) A description of how the project meets one or more of the criteria in subsection (g).

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this title.

(f) **PROJECT REVIEW AND APPROVAL.**—

(1) **IN GENERAL.**—The Administrator shall review each coral conservation project proposal to determine if it meets the criteria set forth in subsection (g).

(2) **REVIEW; APPROVAL OR DISAPPROVAL.**—Not later than 6 months after receiving a project proposal under this section, the Administrator shall—

(A) request and consider written comments on the proposal from each Federal agency, State government, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States and other government jurisdictions that provided comments under subparagraph (A).

(g) **CRITERIA FOR APPROVAL.**—The Administrator may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reefs by—

(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reefs;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems, including factors that cause coral disease;

(5) promoting and assisting to implement cooperative coral reef conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long term conservation;

(7) mapping the location and distribution of coral reefs;

(8) developing and implementing techniques to monitor and assess the status and condition of coral reefs;

(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems; or

(10) promoting ecologically sound navigation and anchorages near coral reefs.

(h) **PROJECT REPORTING.**—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success of the project.

(i) **CORAL REEF TASK FORCE.**—The Administrator may consult with the Coral Reef Task Force to obtain guidance in establishing coral conservation project priorities under this section.

(j) **IMPLEMENTATION GUIDELINES.**—Within 180 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with State, regional, and local entities involved in setting priorities for conservation of coral reefs and provide for appropriate public notice and opportunity for comment.

SEC. 205. CORAL REEF CONSERVATION FUND.

(a) **FUND.**—The Administrator may enter into an agreement with a nonprofit organization that promotes coral reef conservation authorizing such organization to receive, hold, and administer funds received pursuant to this section. The organization shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such organization solely to support partnerships between the

public and private sectors that further the purposes of this Act and are consistent with the national coral reef action strategy under section 203.

(b) **AUTHORIZATION TO SOLICIT DONATIONS.**—Pursuant to an agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold, administer, and use any gift to further the purposes of this title. Any moneys received as a gift shall be deposited and maintained in the Fund established by the organization under subsection (a).

(c) **REVIEW OF PERFORMANCE.**—The Administrator shall conduct a continuing review of the grant program administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section and the national coral reef action strategy under section 203.

(d) **ADMINISTRATION.**—Under an agreement entered into pursuant to subsection (a), the Administrator may transfer funds appropriated to carry out this title to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the organization by private persons and State and local government agencies.

SEC. 206. EMERGENCY ASSISTANCE.

The Administrator may make grants to any State, local, or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster-related circumstance pertaining to coral reefs or coral reef ecosystems.

SEC. 207. NATIONAL PROGRAM.

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary may conduct activities to conserve coral reefs and coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972.

(b) **AUTHORIZED ACTIVITIES.**—Activities authorized under subsection (a) include—

(1) mapping, monitoring, assessment, restoration, and scientific research that benefit the understanding, sustainable use, and long-term conservation of coral reefs and coral reef ecosystems;

(2) enhancing public awareness, education, understanding, and appreciation of coral reefs and coral reef ecosystems;

(3) providing assistance to States in removing abandoned fishing gear, marine debris, and abandoned vessels from coral reefs to conserve living marine resources; and

(4) cooperative conservation and management of coral reefs and coral reef ecosystems with local, regional, or international programs and partners.

SEC. 208. EFFECTIVENESS REPORTS.

(a) **GRANT PROGRAM.**—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that documents the effectiveness of the grant program under section 204 in meeting the purposes of this title. The report shall include a State-by-State summary of Federal and non-Federal contributions toward the costs of each project.

(b) **NATIONAL PROGRAM.**—Not later than 2 years after the date on which the Administrator publishes the national coral reef strategy under section 203 and every 2 years thereafter, the Administrator shall submit to the Committee on Commerce, Science,

and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement that strategy, under section 203, including a description of the funds obligated each fiscal year to advance coral reef conservation.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title \$16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, which may remain available until expended.

(b) ADMINISTRATION.—Of the amounts appropriated under subsection (a), not more than the lesser of \$1,000,000 or 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

(c) CORAL REEF CONSERVATION PROGRAM.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary \$8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for coral reef conservation activities under section 204.

(d) NATIONAL CORAL REEF ACTIVITIES.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary \$8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for activities under section 207.

SEC. 210. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CONSERVATION.—The term “conservation” means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

(3) CORAL.—The term “coral” means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), and Coenothecalia (blue coral), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

(4) CORAL REEF.—The term “coral reef” means any reefs or shoals composed primarily of corals.

(5) CORAL REEF ECOSYSTEM.—The term “coral reef ecosystem” means coral and other species of reef organisms (including reef plants) associated with coral reefs, and the nonliving environmental factors that directly affect coral reefs, that together function as an ecological unit in nature.

(6) CORAL PRODUCTS.—The term “coral products” means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

(7) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(8) STATE.—The term “State” means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

TITLE III—MISCELLANEOUS

SEC. 301. GREAT LAKES FISHERY ACT OF 1956.

Section 3(a) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a)) is amended by adding at the end the following:

“(3) Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

SEC. 302. TUNA CONVENTIONS ACT OF 1950.

Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended by inserting before “Of such Commissioners—” the following: “Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

SEC. 303. ATLANTIC TUNAS CONVENTION ACT OF 1975.

Section 3(a)(1) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)(1)) is amended by inserting before “The Commissioners” the following: “Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

SEC. 304. NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.

(a) CLERICAL AMENDMENT.—Public Law 102-587 is amended by striking title VIII (106 Stat. 5098 et seq.).

(b) TREATMENT COMMISSIONERS.—Section 804(a) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003(a)) is amended by inserting before “Of the Commissioners—” the following: “Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

SEC. 305. HIGH SEAS FISHING COMPLIANCE ACT OF 1995.

Section 103(4) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5502(4)) is amended by inserting “or subject to the jurisdiction of the United States” after “United States”.

SEC. 306. REIMBURSEMENT OF EXPENSES.

Notwithstanding section 3302 (b) and (c) of title 31, United States Code, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHARY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER, and from the disposal of marine assets, and all amounts received by the United States from the disposal of marine assets of the National Oceanic and Atmospheric Administration—

(1) shall be retained as an offsetting collection in the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited into that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration hydrographic and fisheries vessel operations.

SEC. 307. TECHNICAL CORRECTIONS TO NATIONAL MARINE SANCTUARIES ACT.

(a) CROSS REFERENCE CORRECTION.—Section 304(f)(2) of the National Marine Sanctuaries Act (16 U.S.C. 1434(f)(2)) is amended by striking “paragraph (2)” and inserting “subparagraphs (A) and (B) of paragraph (1)”.

(b) SHORT TITLE CORRECTION.—Section 317 of such Act (16 U.S.C. 1445 note) is amended by striking “The” and inserting “the”.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect January 1, 2001.

TITLE IV—STUDY OF EASTERN GRAY WHALE POPULATION

SEC. 401. STUDY OF THE EASTERN GRAY WHALE POPULATION.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population, and the other potential impacts these factors may be having on the eastern gray whale population.

(b) CONSIDERATION OF WESTERN POPULATION INFORMATION.—The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under this title, there are authorized to be appropriated to the Secretary to carry out this section—

(1) \$290,000 for fiscal year 2001; and

(2) \$500,000 for each of fiscal years 2002 through 2004.

TITLE V—MISCELLANEOUS

SEC. 501. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.

Notwithstanding paragraphs (1) through (3) of sections 208(a) of the American Fisheries Act (title II of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-624)), the catcher vessel HAZEL LORRAINE (United States Official Number 592211) and the catcher vessel PROVIDIAN (United States Official Number 1062183) shall be considered to be vessels that are eligible to harvest the directed fishing allowance under section 206(b)(1) of that Act pursuant to a Federal fishing permit in the same manner as, and subject to the same requirements and limitations on that harvesting as apply to, catcher vessels that are eligible to harvest that directed fishing allowance under section 208(a) of that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1653, as amended, the Pribilof Islands Transition Act, was passed by the

House in June 2000 with 400 aye votes. Unfortunately, the other body has not yet acted on it.

The Pribilof Islands, St. Paul and St. George, are located in the Bering Sea and serve as the breeding ground of the North Pacific fur seal. The islands were settled when Russian fur seal traders forcibly kidnapped, relocated and enslaved Native Alaskan Aleuts to conduct fur seal harvests.

This bill compensates local communities for expenses they incurred when the Federal Government, formerly the sole landowner and employer on the islands, withdrew its jobs and municipal services. It also authorizes funds to complete the environmental cleanup of the mess the Federal Government left on the islands during its 120-year reign. Finally, the bill establishes what NOAA must do before its responsibilities on the islands are terminated.

This bill makes good on our promises to a group of Native Americans who served as virtual slaves to this country's government for 120 years. I urge support of this legislation. It is long overdue.

This measure also includes coral reef conservation provisions previously passed by the Senate. Coral reefs are threatened by a variety of natural impacts and human activities including coral disease, hurricanes, destructive fishing practices, pollution, and changing ocean conditions. Despite these threats, coral reefs support the economies of many local communities and are essential habitat for many of this nation's recreational and commercial fisheries.

This legislation establishes new Federal-State-local partnerships to work on conservation and restoration programs. It authorizes Federal matching grants to protect and restore these valuable natural resources. It also authorizes NOAA to conduct mapping, monitoring, assessment, education, conservation, and management activities relating to coral reefs.

Title IV would authorize a study, subject to appropriations, to determine the environmental and biological factors causing the recent die-offs and strandings of gray whales from the eastern Pacific stock. In addition, the study should include information from studies of the western Pacific stock of gray whales to the extent practicable. This study will give marine mammal scientists information on a number of issues regarding gray whales including, among other things, whether the eastern Pacific stock has reached the carrying capacity of the eastern Pacific Ocean. The language authorizes \$290,000 for Fiscal Year 2001 and \$500,000 for each of Fiscal years 2002, 2003, and 2004.

Title V would make two additional catcher vessels eligible to participate in the Bering Sea pollock fishery cooperatives authorized under the American Fisheries Act.

I urge my colleagues to vote "aye" on this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of this legislation, although I must tell the gentleman that I am going to ask for a vote on this legislation because I am concerned about how these bills are being presented at this time.

Mr. Speaker, I rise in support of this package of ocean and fishery related bills.

This package includes the coral reef conservation legislation passed by the other body. The environmental health and condition of our Nation's coral reef resources are in a state of serious decline due to a combination of factors including polluted run-off and marine debris.

Consequently, it is critical for the Congress to establish a comprehensive program at the Federal level to support scientific research, mapping, monitoring and restoration activities on the State and local level.

I note that this package also includes a provision to direct the National Marine Fisheries Service to initiate a new scientific study concerning the eastern population of Pacific gray whales.

For reasons that are poorly understood, hundreds of Pacific gray whales have washed up on the California coast over the past two years—either in an emaciated condition, or dead. The increased frequency and number of strandings has generated great concern among marine mammal biologists in California, and up and down the Pacific coast.

We need to better understand why these strandings are happening, and I urge NOAA to initiate this important study as quickly as possible.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. I thank the gentleman for yielding me this time.

Mr. Speaker, this measure also includes, and I would like to point out, the coral reef conservation provisions similar to the legislation I introduced, H.R. 3919. This bill is extremely important in this regard, as coral reefs are threatened by a variety of natural impacts and human activities, including coral disease, hurricanes, destructive fisheries practices, pollution and changing ocean conditions. Despite these threats, coral reefs support the economies of many local communities and are essential habitat for many of this Nation's recreational and commercial fisheries.

This legislation establishes new Federal-State-local partnerships to work on conservation and restoration programs. It authorizes Federal matching grants to protect and restore these valuable natural resources. It also authorizes NOAA to conduct mapping, monitoring, assessment, education, conservation and management activities relating to coral reefs.

Mr. Speaker, I urge an "aye" vote on this measure.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of this bill, which is vital for the health and future of America's coral reef resources. The estimated 4,200,000 acres of U.S. coral reef resources in the U.S. Exclusive Economic

Zone (EEZ) are at high risk and in dire need of enhanced protection, research and management. This bill creates a much needed comprehensive mechanism to protect the Nation's coral reefs, as well as support the activities of the U.S. Coral Reef Task Force and other stakeholders. Coral reefs truly are the "rainforests of the oceans." There have been many concerted efforts by the Administration, Congress, states, and local communities to protect and safely manage corals. Since the Coral Reef Task Force released its National Action Plan in March, Federal, state, territorial, and local partners have moved forward to improve our protection of these valuable and fragile areas through effective stewardship of coral reefs. This bill would provide needed authorization for coral conservation project funding and enhance needed partnerships to protect reefs. Designing an effective bill has taken ten long years, and I am pleased to see the efforts of Chairman YOUNG, Mr. MILLER, Mr. SAXTON, Mr. FALEOMAVAEGA, and our Senate colleagues paying off in such grand fashion for a true success for our environment and marine resources.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 1653, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING MEN AND WOMEN WHO FOUGHT WILDFIRES IN 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 434) commending the men and women who fought the year 2000 wildfires for their heroic efforts in protecting human lives and safety and limiting property losses.

The Clerk read as follows:

H. CON. RES. 434

Whereas the 2000 wildfire season in the United States was the largest and most severe in the last 50 years and consisted of more than 85,000 wildfires;

Whereas almost 7,000,000 acres of public lands and adjacent State and private lands were subjected to these wildfires;

Whereas over 30,000 professional and volunteer firefighters participated in fighting and controlling these wildfires;

Whereas the Hotshot firefighting crews were instrumental in providing the expertise and training necessary to restrict the severity of these wildfires;

Whereas volunteer firefighters from across America and members of the Armed Forces played a crucial role in combating these wildfires and preventing them from destroying thousands of homes;

Whereas, in addition to the American firefighters, 1,800 men and women from Canada, New Zealand, Australia, and Mexico joined in the fight against these wildfires;

Whereas the information and coordination of the National Interagency Fire Center in Boise, Idaho, greatly assisted in minimizing the effects of these wildfires;

Whereas the support from local residents, communities, and counties helped maintain the high morale of the firefighters;

Whereas, in spite of the rugged terrain and the intense speed and size of the year 2000 wildfires, the firefighter crews managed to limit property losses to 852 structures; and

Whereas, if not for the hard work and dedication of these firefighters, the lives of thousands of Americans could have been lost, the loss of property could have been extensive, and the scenic beauty of the public lands and adjacent State and private lands could have been severely altered: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the men and women, including professional firefighters, volunteers, and military personnel, who fought wildfires on public domain lands during the 2000 wildfire season for their bravery, their extraordinary efforts to contain the wildfires, and their commitment to protect lives, property, and the surrounding communities; and

(2) mourns the loss of life of the 16 persons who died while defending the fire lines.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 434 commends the heroic men and women who fought fires during this, the worst fire season in 50 years. This resolution, introduced by the gentleman from Oregon (Mr. WALDEN), also mourns the loss of the 16 who lost their lives while protecting others.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Con. Res. 434. This fire season, nearly 7 million acres of land burned throughout the West in over 85,000 wildfires. Nearly 1,000 homes were destroyed. Yet, through the valiant efforts of over 30,000 wildland firefighters, both professional and volunteer, property damage and loss of life were minimized. These brave and dedicated men and women work far from home for long periods of time, under grueling conditions, and with few rewards to protect our land, our homes and our lives.

I join my colleagues in commending those extraordinary workers who literally put their lives on the line every day. Sadly, during the course of this fire season, 16 firefighters died in the line of duty. I join my colleagues in recognizing their sacrifice and mourn-

ing their loss. I want to thank the sponsors of this resolution, the gentleman from Oregon (Mr. WALDEN), the gentleman from New Mexico (Mr. UDALL), and the gentleman from Colorado (Mr. UDALL), who particularly felt the impact of these fires in their States and join them in expressing gratitude to the firefighters.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN), the author of this legislation.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today in support of House Concurrent Resolution 434. This legislation commends the heroic men and women who fought fires during this 2000 wildfire season. It was the worst fire season in 50 years.

Mr. Speaker, this legislation also mourns the tragic loss of 16 firefighters who lost their lives while protecting others. The 2000 wildfire season in the United States was the largest and most severe in the last 50 years and consisted of more than 85,000 wildfires. More than 7 million acres of public lands and adjacent State and private lands were subjected to these wildfires.

□ 1415

More than 30,000 professional and volunteer fire fighters risked their lives to participate in fighting and controlling these wildfires. In spite of the rugged terrain and the intense speed and the size of the year 2000 wildfires, the firefighter crews managed to limit property losses to just 852 structures. It could have been so much worse.

Mr. Speaker, if not for these fire fighters, the loss of lives and property could have been far more extensive than it was.

So let this United States House of Representatives honor those fire fighters who tragically lost their lives and those who stood on the lines to protect others by passing House Concurrent Resolution 434 today.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must add, as I look at the tremendous fires we have had in the West at this time, that a lot of this is because we have not managed the forests. That argument has been going on. We have held hearings on it. We have not managed the forests. We have not cleaned the forests. We have not cleared the forests. We have not thinned the forests and when some of these people get the idea to let Mother Nature do it, we paid big time for it this last fire season. I hope now we all wake up to the idea that we have to go back and manage the forests and the public lands of America and take good care of them rather than let them just go helter skelter like we have done, and we pay for it.

Last January we had a hearing, and past foresters all said this will be the worst fire year we have ever had. Those men were true prophets. They were

right. That is what we had, and that is what we get for neglecting the forests.

Mr. UDALL of New Mexico. Mr. Speaker, I rise in strong support of H. Con. Res. 434 to commend wildland firefighters and I do so in praise and appreciation for the splendid and courageous job that these firefighters performed this year.

As many of you know, this year marked one of the most horrific fire years in our Nation's history. Almost 7 million acres burned and it's still not over. As many of you know the Cerro Grande fire, which occurred within my district, scorched over 40,000 acres and consumed over 400 homes and businesses within Los Alamos, NM. The New Mexico firefighters displayed exemplary courage and professionalism when combating this inferno.

Even today, in North Carolina, Missouri and Illinois for example, large fires still burn uncontrolled as a result of low moisture and high winds.

This year more than 30,000 firefighters, including 6 military battalions, performed firefighting duties enduring numerous hazardous conditions away from their friends and loved ones. Through it all, these committed men and women performed with enthusiasm and bravery despite their many hardships.

I strongly believe that we will continue to see severe fire years in the future and will therefore again call upon these professional and dedicated firefighters to utilize their skills in service to their fellow men and communities.

Notwithstanding this prognosis, I am optimistic that our cadre of firefighters will continue to perform when called upon.

On the same note, I am also pleased with the bipartisan support of H.R. 2814, The Wildland Firefighters Pay Equity Act, cosponsored by myself, and Mr. POMBO which provides fair and equitable pay to the thousands of wildland firefighters. This legislation has passed this chamber and now awaits Senate approval.

I strongly support H. Con. Res. 434 in tribute to all of those who have sacrificed this year. I strongly urge my colleagues to support this measure.

Mr. UDALL of Colorado. Mr. Speaker, I am an original cosponsor of this resolution and I rise in its support.

The resolution commends the men and women who fought the year 2000 wildfires for their heroic efforts in protecting human lives and safety and limiting property losses.

As the resolution notes, this summer's wildfire seasons was the most severe in the last 50 years. Across the country, there were more than 85,000 wildfires that affected almost 7,000,000 acres of public lands and adjacent State and private lands—and more than 30,000 professional and volunteer firefighters were called upon to join in fighting them.

These were men and women from all parts of the country, including members of the Armed Forces, and also 1,800 men and women from Canada, New Zealand, Australia, and Mexico.

In Colorado, though we were more fortunate than some of our western neighbors, we had several major fires along the Front Range and in other parts of the state. In addition, Coloradans joined in fighting fires in Montana, Idaho, and elsewhere.

As the resolution says, without their hard work and dedication, there could have been

even greater loss of lives and the loss of property could have been even greater than it was.

So it is very appropriate for the Congress to commend all those who joined in this effort, and to remember and mourn the 16 persons who died while fighting these fires.

I urge adoption of this resolution.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 434.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4020) to authorize an extension of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove, as amended.

The Clerk read as follows:

H.R. 4020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ADDITION OF LAND TO SEQUOIA NATIONAL PARK

SEC. 101. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled "Dillonwood", numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

TITLE II—UPPER HOUSATONIC NATIONAL HERITAGE AREA

SEC. 201. AUTHORIZATION OF STUDY.

(a) IN GENERAL.—The Secretary of the Interior (in this section referred to as the "Secretary") shall conduct a study of the Upper Housatonic National Heritage Area (in this section referred to as the "Study Area"). The study shall include analysis, documentation, and determinations regarding whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are

best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs and folklore that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, and/or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State Governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult with the State historic preservation officers, State historical societies and other appropriate organizations.

SEC. 202. BOUNDARIES OF THE STUDY AREA.

The Study Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

SEC. 203. REPORT.

Not later than 3 fiscal years after the date on which funds are first available for this title, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of the study.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$300,000 to carry out the provisions of this title.

TITLE III—WITHHOLDING OF ROYALTY PAYMENTS UNDER CERTAIN CIRCUMSTANCES

SEC. 301. ROYALTY PAYMENTS UNDER LEASES UNDER THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) ROYALTY RELIEF.—

(1) IN GENERAL.—A State lessee may withhold from payment any royalty due and owing to the United States under any lease under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) for offshore oil or gas production from a covered lease tract if, on or before the date that the payment is due and payable to the United States, the State lessee makes a payment to the State of Louisiana of 44 cents for every \$1 of royalty withheld.

(2) TREATMENT OF WITHHELD AMOUNTS.—Any royalty withheld by a State lessee in accordance with this section shall be treated as paid for purposes of satisfaction of the royalty obligations of the State lessee to the United States.

(3) CERTIFICATION OF WITHHELD AMOUNTS.—The Secretary of the Treasury shall—

(A) determine the amount of royalty withheld under this section; and

(B) promptly publish a certification when the total amount of royalty withheld under this section is equal to the sum of—

(i) \$18,115,147; plus

(ii) simple annual interest on the difference, on January 1 of each year, between the amount referred to in clause (i) and the total amount of royalty withheld under this section, determined at 8 percent per year for the period beginning March 21, 1989, and ending on the date on which the amount of royalty withheld under this section is equal to the amount referred to in clause (i).

(b) PERIOD OF ROYALTY RELIEF.—Subsection (a) shall apply to royalty amounts that are due and payable in the period beginning on October 1, 2001, and ending on the date on which the Secretary publishes a certification under subsection (a)(3)(B).

(c) DEFINITIONS.—As used in this section:

(1) COVERED LEASE TRACT.—The term "covered lease tract" means a leased tract (or portion of a leased tract)—

(A) lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)); or

(B) lying within such zone but to which such section does not apply.

(2) STATE LESSEE.—The term "State lessee" means a person (including a successor or assign of a person), that, on the date of enactment of the Oil Pollution Act of 1990 (Public Law 101-380; August 18, 1990), held lease rights in the State of Louisiana offshore leases SL10087, SL10088, and SL10187, but did not hold lease rights in Federal offshore lease OCS-G-5669.

TITLE IV—INCLUSION OF CAT ISLAND IN GULF ISLANDS NATIONAL SEASHORE

SEC. 401. BOUNDARY ADJUSTMENT TO INCLUDE CAT ISLAND.

(a) IN GENERAL.—The first section of Public Law 91-660 (16 U.S.C. 459h) is amended—

(1) in the first sentence, by striking "That, in" and inserting the following:

"SECTION 1. GULF ISLANDS NATIONAL SEASHORE.

"(a) ESTABLISHMENT.—In"; and

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(B) by striking "The seashore shall comprise" and inserting the following:

"(b) COMPOSITION.—

"(1) IN GENERAL.—The seashore shall comprise the areas described in paragraphs (2) and (3).

"(2) AREAS INCLUDED IN BOUNDARY PLAN NUMBERED NS-GI-7100J.—The areas described in this paragraph are"; and

(C) by adding at the end the following:

"(3) CAT ISLAND.—The area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (referred to in this Act as the 'Cat Island Map').

"(4) AVAILABILITY OF MAP.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service."

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91-660 (16 U.S.C. 459h-1) is amended—

(1) in the first sentence of subsection (a), by striking "lands," and inserting "submerged land, land,"; and

(2) by adding at the end the following:

"(e) ACQUISITION AUTHORITY.—

“(1) IN GENERAL.—The Secretary may acquire, from a willing seller only—

“(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi, consisting of—

“(i) Sections 25 and 26, Township 9 South, Range 12 West;

“(ii) Sections 22, 27, 28, 29, 30, 31, 32, 33, and 34, Township 9 South, Range 11 West; and

“(iii) Section 4, Township 10 South, Range 11 West;

“(B) an easement over the approximately 150-acre parcel depicted as the ‘Boddie Family Tract’ on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

“(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

“(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this Act as the ‘buffer zone’), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

“(2) ADMINISTRATION.—

“(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

“(B) BUFFER ZONE.—Nothing in this Act or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

“(3) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection.”

(c) REGULATION OF FISHING.—Section 3 of Public Law 91-660 (16 U.S.C. 459h-2) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The Secretary”; and

(2) by adding at the end the following:

“(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this Act or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on the date of enactment of this subsection, is outside the designated boundary of the seashore (including the buffer zone).”

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91-660 (16 U.S.C. 459h-4) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Except”; and

(2) by adding at the end the following:

“(b) AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into agreements—

“(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

“(B) with the owners of the approximately 150-acre parcel depicted as the ‘Boddie Family Tract’ on the Cat Island Map concerning the development and use of the land.

“(2) NO AUTHORITY TO ENFORCE CERTAIN REGULATIONS.—Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.”

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91-660 (16 U.S.C. 459h-10) is amended—

(1) by inserting “(a) IN GENERAL.—” before “There”; and

(2) by adding at the end the following:

“(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.”

TITLE V—WASHOE TRIBE LAND CONVEYANCE

SEC. 501. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the “Tribe”) included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this title are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship

conservation of the Tribe and not permit any commercial use (including commercial development, residential development, gaming, sale of timber, or mineral extraction); and

(B) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

TITLE VI—PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE

SEC. 601. SHORT TITLE.

This title may be cited as the “Pecos National Historical Park Land Exchange Act of 2000”.

SEC. 602. DEFINITIONS.

As used in this title—

(1) the term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture;

(2) the term “landowner” means Harold and Elisabeth Zuschlag, owners of land within the Pecos National Historical Park; and

(3) the term “map” means a map entitled “Proposed Land Exchange for Pecos National Historical Park”, numbered 430/80,054, and dated November 19, 1999, revised September 18, 2000.

SEC. 603. LAND EXCHANGE.

(a) CONVEYANCE OF FEDERAL LAND AND INTERESTS.—Upon the conveyance by the landowner to the Secretary of the Interior of the lands identified in subsection (b), the Secretary of Agriculture shall convey the following lands and interests to the landowner, subject to the provisions of this title:

(1) Approximately 160 acres of Federal lands and interests therein within the Santa Fe National Forest in the State of New Mexico, as generally depicted on the map; and

(2) The Secretary of the Interior shall convey an easement for water pipelines to two existing well sites, located within the Pecos National Historical Park, as provided in this paragraph.

(A) The Secretary of the Interior shall determine the appropriate route of the easement through Pecos National Historical Park and such route shall be a condition of the easement. The Secretary of the Interior may add such additional terms and conditions relating to the use of the well and pipeline granted under this easement as he deems appropriate.

(B) The easement shall be established, operated, and maintained in compliance with all Federal laws.

(b) RECEIPT OF PRIVATE LANDS.—The lands to be conveyed by the landowner to the Secretary of the Interior comprise approximately 154 acres within the Pecos National Historical Park as generally depicted on the map.

(c) CONDITION OF EXCHANGE.—The Secretary of Agriculture shall convey the lands and interests identified in subsection (a) only if the landowner conveys a deed of title to the United States, that is acceptable to and approved by the Secretary of the Interior.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this title, the exchange of lands and interests pursuant to this title shall be in accordance with the provisions of section 206 of the Federal Land Policy and Management

Act of 1976 (43 U.S.C. 1716) and other applicable laws including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **VALUATION AND APPRAISALS.**—The values of the lands and interests to be exchanged pursuant to this title shall be equal, as determined by appraisals using nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisition. The Secretaries shall obtain the appraisals and insure they are conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. The appraisals shall be paid for in accordance with the exchange agreement between the Secretaries and the landowner.

(3) **COMPLETION OF THE EXCHANGE.**—The exchange of lands and interests pursuant to this title shall be completed not later than 180 days after the requirements of the National Environmental Policy Act of 1969 have been met and after the Secretary of the Interior approves the appraisals. The Secretaries shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives upon the successful completion of the exchange.

(4) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretaries may require such additional terms and conditions in connection with the exchange of lands and interests pursuant to this title as the Secretaries consider appropriate to protect the interests of the United States.

(5) **EQUALIZATION OF VALUES.**—

(A) The Secretary of Agriculture shall equalize the values of Federal land conveyed under subsection (a) and the land conveyed to the Federal Government under subsection (b)—

(i) by the payment of cash to the Secretary of Agriculture or the landowner, as appropriate, except that notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary of Agriculture may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; or

(ii) if the value of the Federal land is greater than the land conveyed to the Federal government, by reducing the acreage of the Federal land conveyed.

(B) **DISPOSITION OF FUNDS.**—Any funds received by the Secretary of Agriculture as cash equalization payment from the exchange under this section shall be deposited into the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a) and shall be available for expenditure, without further appropriation, for the acquisition of land and interests in the land in the State of New Mexico.

SEC. 604. BOUNDARY ADJUSTMENT AND MAPS.

(a) **BOUNDARY ADJUSTMENT.**—Upon acceptance of title by the Secretary of the Interior of the lands and interests conveyed to the United States pursuant to section 603, the boundaries of the Pecos National Historical Park shall be adjusted to encompass such lands. The Secretary of the Interior shall administer such lands in accordance with the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2-4).

(b) **MAPS.**—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(c) **SUBMISSION TO CONGRESS.**—Not later than 180 days after completion of the exchange described in section 603, the Secretaries shall transmit the map accurately depicting the lands and interests conveyed to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

TITLE VII—CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

SEC. 701. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(g)) is amended by striking "thirty" and inserting "40".

TITLE VIII—EDUCATION LAND GRANTS

SEC. 801. SHORT TITLE.

This title may be cited as the "Education Land Grant Act".

SEC. 802. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) **AUTHORITY TO CONVEY.**—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) an opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) **ACREAGE LIMITATION.**—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) **COSTS AND MINERAL RIGHTS.**—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this title shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) **REVIEW OF APPLICATIONS.**—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) **REVERSIONARY INTEREST.**—If, at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE IX—GAYLORD NELSON APOSTLE ISLANDS STEWARDSHIP

SEC. 901. SHORT TITLE.

This title may be cited as the "Gaylord Nelson Apostle Islands Stewardship Act of 2000".

SEC. 902. GAYLORD NELSON APOSTLE ISLANDS.

(a) **DECLARATIONS.**—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(3) after more than 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(4) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(5) all land within the Lakeshore that might be suitable for designation as wilderness are zoned and managed to protect wilderness characteristics pending completion of such a study;

(6) several historic lighthouses within the Lakeshore are in danger of structural damage due to severe erosion;

(7) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(8) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(9) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(b) **DEFINITIONS.**—In this section:

(1) **LAKESHORE.**—The term "Lakeshore" means the Apostle Islands National Lakeshore.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) **WILDERNESS STUDY.**—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(d) **APOSTLE ISLANDS LIGHTHOUSES.**—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse on the Lakeshore.

(e) **COOPERATIVE AGREEMENTS.**—Section 6 of Public Law 91-424 (16 U.S.C. 460w-5) is amended—

(1) by striking "SEC. 6. The lakeshore" and inserting the following:

"SEC. 6. MANAGEMENT.

"(a) IN GENERAL.—The lakeshore"; and

(2) by adding at the end the following:

"(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7."

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$200,000 to carry out subsection (c); and

(2) \$3,900,000 to carry out subsection (d).

TITLE X—PEOPLING OF AMERICA THEME STUDY

SEC. 1001. SHORT TITLE.

This title may be cited as the "Peopling of America Theme Study Act".

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the "peopling of America"; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a-5 note; Public Law 101-628), that "the Secretary shall ensure that the full diversity of American history and prehistory are represented" in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that "people are the primary agents of change" and establishes the theme of human population movement and change—or "peopling places"—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this title are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 1003. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) THEME STUDY.—The term "theme study" means the national historic landmark theme study required under section 1004.

(3) PEOPLING OF AMERICA.—The term "peopling of America" means the migration to and within, and the settlement of, the United States.

SEC. 1004. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary

shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 1005. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XI—NATCHEZ TRACE PARKWAY

SEC. 1101. DEFINITIONS.

In this title:

(1) PARKWAY.—The term "Parkway" means the Natchez Trace Parkway, Mississippi.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1102. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) IN GENERAL.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled "Alternative Alignments/Area", numbered 604-20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled "Emerald Mound Development Concept Plan", numbered 604-20042E and dated August 1987.

(b) MAPS.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) ADMINISTRATION.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 1103. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XII—FORT MATANZAS NATIONAL MONUMENT BOUNDARY ADJUSTMENT**SEC. 1201. DEFINITIONS.**

In this title:

(1) **MAP.**—The term “Map” means the map entitled “Fort Matanzas National Monument”, numbered 347/80,004 and dated February, 1991.

(2) **MONUMENT.**—The term “Monument” means the Fort Matanzas National Monument in Florida.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 1202. REVISION OF BOUNDARY.

(a) **IN GENERAL.**—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(b) **AVAILABILITY OF MAP.**—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 1203. ACQUISITION OF ADDITIONAL LAND.

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

- (1) donation;
- (2) purchase with donated or appropriated funds;
- (3) transfer from any other Federal agency; or
- (4) exchange.

SEC. 1204. ADMINISTRATION.

Subject to applicable laws, all land and interests in land held by the United States that are included in the revised boundary under section 1202 shall be administered by the Secretary as part of the Monument.

SEC. 1205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XIII—LAND ACQUISITION**SEC. 1301. ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, effective 30 days after the date of the enactment of this title, all right, title, and interest in and to, and the right to immediate possession of, the 1,516 acres of real property owned by the Environmental Land Technology, Ltd. (ELT) within the Red Cliffs Reserve in Washington County, Utah, and the 34 acres of real property owned by ELT which is adjacent to the land within the Reserve but is landlocked as a result of the creation of the Reserve, is hereby vested in the United States.

(b) **COMPENSATION FOR PROPERTY.**—Subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), the United States shall pay just compensation to the owner of any real property taken pursuant to this section, determined as of the date of the enactment of this title. An initial payment of \$15,000,000 shall be made to the owner of such real property not later than 30 days after the date of taking. The full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of—

(1) the appraised value of such real property as agreed to by the land owner and the United States, plus interest from the date of the enactment of this title; or

(2) the valuation of such real property awarded by judgment, plus interest from the date of the enactment of this title, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees, as deter-

mined by the court. Payment shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, or from another appropriate Federal Government fund.

Interest under this subsection shall be compounded in the same manner as provided for in section 1(b)(2)(B) of the Act of April 17, 1954, (Chapter 153; 16 U.S.C. 429b(b)(2)(B)) except that the reference in that provision to “the date of the enactment of the Manassas National Battlefield Park Amendments of 1988” shall be deemed to be a reference to the date of the enactment of this title.

(c) **DETERMINATION BY COURT IN LIEU OF NEGOTIATED SETTLEMENT.**—In the absence of a negotiated settlement, or an action by the owner, the Secretary of the Interior shall initiate within 90 days after the date of the enactment of this section a proceeding in the United States Federal District Court for the District of Utah, seeking a determination, subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), of the value of the real property, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees.

TITLE XIV—SAINT CROIX ISLAND HERITAGE**SEC. 1401. SHORT TITLE.**

This title may be cited as the “Saint Croix Island Heritage Act”.

SEC. 1402. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) **PURPOSE.**—The purpose of this title is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 1403. DEFINITIONS.

In this title:

(1) **ISLAND.**—The term “Island” means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 1404. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) **IN GENERAL.**—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) **COOPERATIVE AGREEMENTS.**—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 1405. AUTHORIZATION OF APPROPRIATIONS.

(a) **DESIGN AND CONSTRUCTION.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this title (including the design and construction of the regional heritage center) \$2,000,000.

(2) **EXPENDITURE.**—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) **OPERATION AND MAINTENANCE.**—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

TITLE XVI—HOOSIER AUTOMOBILE & TRUCK NATIONAL HERITAGE TRAIL AREA**SEC. 1601. SHORT TITLE.**

This title may be cited as the “Hoosier Automobile & Truck National Heritage Trail Area Act of 2000”.

SEC. 1602. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds as follows:

(1) The industrial, cultural, and natural heritage legacies of Indiana's automobile and truck industry are nationally significant.

(2) The design and manufacture of the automobile and truck within the State of Indiana helped establish and expand the United States industrial power.

(3) The industrial strength of automobile and truck manufacturing was vital to defending freedom and democracy in 2 world wars and played a defining role in American victories.

(4) The economic strength of our Nation is connected integrally to the vitality of the automobile and truck industry, which employs millions of workers and upon which 1 out of 7 United States jobs depends.

(5) The industrial and cultural heritage of the automobile and truck industry in Indiana includes the social history and living cultural traditions of several generations.

(6) The United Auto Workers and other unions played a significant role in the history and progress of the labor movement and the automobile and truck industry.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Indiana to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Hoosier Automobile & Truck National Heritage Trail Area Partnership, Inc., (an Indiana not-for-profit corporation), the State of Indiana, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans.

(8) The Hoosier Automobile & Truck National Heritage Trail Area Partnership, Inc., would be an appropriate entity to oversee the development of the Hoosier Automobile & Truck National Heritage Trail Area.

(9) Multiple museums of regional, national, and international stature are located within the Hoosier Automobile & Truck National Heritage Trail Area as follows:

(A) Auburn Cord Duesenberg Museum at Auburn, Indiana.

(B) National Automotive and Truck Museum of the United States at Auburn, Indiana.

(C) S. Ray Miller Museum at Elkhart, Indiana.

(D) RV/MH Hall of Fame, Museum, and Library at Elkhart, Indiana.

(E) Studebaker National Museum at South Bend, Indiana.

(F) Door Prairie Museum at LaPorte, Indiana.

(G) Indianapolis Motor Speedway Museum at Indianapolis, Indiana.

(10) Auburn, Indiana, because it is located on Interstate Highway 69, is the home of the Auburn Cord Duesenberg Museum, the National Automotive and Truck Museum of the United States, and the Kruse Auction Park, designates itself as the "Collector Car Capital of the World", and is adjacent to the Michigan Automobile National Heritage Area, is the appropriate focal point for the Hoosier Automobile & Truck National Heritage Trail Area.

(11) The natural, cultural, historic, and scenic resources of the Hoosier Automobile & Truck National Heritage Trail Area have combined to form a cohesive, nationally distinctive landscape arising from patterns of human activity, shaped by geography which has resulted in the Hoosier National Automobile & Truck National Trail Area being representative of the national experience through the physical features that remain, the traditions which have evolved within them, and the continued use of the Hoosier National Automobile & Truck National Trail Area by people whose traditions and activities have helped to shape such landscape.

(b) PURPOSE.—The purpose of this title is to establish the Hoosier Automobile & Truck National Heritage Trail Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Indiana and empower communities in Indiana to conserve their automotive and truck heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Hoosier Automobile & Truck National Heritage Trail Area.

SEC. 1603. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term "Board" means the Board of Directors of the Partnership.

(2) HERITAGE AREA.—The term "Heritage Area" means the Hoosier Automobile & Truck National Heritage Trail Area established by section 1604.

(3) PARTNERSHIP.—The term "Partnership" means the Hoosier Automobile & Truck National Heritage Trail Area, Incorporated (a nonprofit corporation established under the laws of the State of Indiana).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1604. AUTOMOBILE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Indiana the Hoosier Automobile & Truck National Heritage Trail Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the boundaries of the Heritage Area shall include lands in the following counties in the State of Indiana: Lake, Porter, LaPorte, Starke, Elkhart, Kosciusko, LaGrange, Steuben, Noble, DeKalb, Whitley, Allen, Huntington, Wells, Adams, Jay, Clinton, Tipton, Madison, Delaware, Randolph, Hamilton, Henry, Wayne, Marion, Hancock, Morgan, Johnson, Shelby, Rush, Fayette, Union, Brown, Bartholomew, Decatur, Franklin, Jackson, Jennings, Ripley, Dearborn, Washington, Scott, Jefferson, Ohio, Switzerland, Clark, Floyd, Harrison, Crawford, Dubois, Perry, Spencer, Sullivan, Greene, Monroe, Knox, Daviess, Martin, Lawrence, Orange, Gibson, Pike, Posey, Vanderburgh, and Warrick.

(2) SPECIFIC BOUNDARIES.—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 1606.

(3) MAP.—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) CONSENT OF LOCAL GOVERNMENTS.—The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

(5) CONDITIONS FOR INCLUSION OF PROPERTY IN HERITAGE AREA.—Property may not be included in the Heritage Area if—

(A) the Partnership fails to give notice of the inclusion in accordance with paragraph (4);

(B) any local government to which the notice is required to be provided objects to the inclusion, in writing to the Partnership, by not later than the end of the period provided pursuant to subparagraph (C); or

(C) fails to provide a period of at least 60 days for objection under subparagraph (B).

(6) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

(7) ADDITIONS AND DELETIONS OF LANDS.—The Secretary may add or remove lands to or from the Heritage Area in response to a request from the Partnership.

SEC. 1605. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Partnership shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Partnership may receive amounts appropriated to carry out this title.

(2) DISQUALIFICATION.—If a management plan for the Area is not submitted to the Secretary as required under section 1606 within the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this title until such a plan is submitted to the Secretary.

(c) AUTHORITIES OF PARTNERSHIP.—The Partnership may, for purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available under this title—

(1) to make grants and loans to the State of Indiana, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to Federal agencies, the State of Indiana, its political subdivisions, nonprofit organizations, and other persons;

(3) to hire and compensate staff;

(4) to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Partnership may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 1606. MANAGEMENT DUTIES OF THE HOOSIER AUTOMOBILE & TRUCK NATIONAL HERITAGE TRAIL AREA PARTNERSHIP.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY SECRETARY.—The Board of Directors of the Partnership shall, within 3 years after the date of enactment of this title, develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) PLAN REQUIREMENTS, GENERALLY.—A management plan submitted under this section shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan shall also include the following, as appropriate:

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the Heritage Area.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 60 days after submission of the Heritage Area management plan by the Board, the Secretary shall approve or disapprove the plan. If the Secretary has taken no action after 60 days, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the plan and revisions shall be considered approved.

(b) PRIORITIES.—The Partnership shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the Heritage Area, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the Heritage Area;

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) in developing recreational opportunities in the Heritage Area;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

(E) in the restoration of historic buildings that are located within the boundaries of the Heritage Area and related to the theme of the Heritage Area; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) PUBLIC MEETINGS.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) ANNUAL REPORTS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 1605(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 1605(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make

available for such audit all records and other information pertaining to the expenditure of such funds.

(g) DELEGATION.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 1604(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 1607. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if a person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the Heritage Area effectively fulfills the objectives contained in the Heritage Area management plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 1608. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) LACK OF EFFECT ON AUTHORITY OF LOCAL GOVERNMENT.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS.—Nothing in this title shall be construed to grant powers of zoning or land use control to the Partnership.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this title shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Indiana or a political subdivision thereof.

SEC. 1609. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2015.

SEC. 1610. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designa-

tion of the Heritage Area, may not exceed 50 percent of the total cost of any activity carried out with Federal funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4020 is comprised of many separate pieces of legislation which help protect and enhance a variety of natural historic and cultural resources in a number of our States. For example, this bill expands National Park units like Sequoia National Park in California, Gulf Islands National Seashore in Mississippi, and the Natchez Trace Parkway. This bill directs the Secretary of the Interior to conduct studies of the suitability of establishing other park units for inclusion into the park system like the Upper Housatonic River Valley in Connecticut and also directs a wilderness study at Apostle Islands in Wisconsin. It further provides for a cultural theme study to see how this country was settled. It also facilitates appropriate land conveyances in Nevada, Federal land acquisition in Utah, and land exchanges in New Mexico. This is a good piece of legislation which accomplishes a number of things by protecting the natural historic and cultural resources across America, thereby greatly benefiting our citizens.

I strongly urge my colleagues to support H.R. 4020 as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a package of 16 bills that was originally put together on a bipartisan basis. It now appears that this package is starting to spin apart a number of items in this package of bills that have already been sent to the President. The Upper Housatonic, the Saint Croix Island, which we just passed, Salano was passed on to the President yesterday or today; and now we are kind of left with a couple of bills here that I think are losing the ability to be taken up in the Senate. The Natchez portion of this legislation will be passed in a separate bill today, and at that point what we are left with is essentially the Boxer-Radanovich bill where we are taking the Senate language and sending it back in this package, which is going to make it very difficult to get that language passed; and I am concerned that what we should be doing is taking that Senate language which is in this bill, we should be taking that Senate language and passing it as a separate bill and sending it down to the President so we can properly protect the Sequoias. There is no controversy around that legislation, and for that reason I am concerned that this package is starting

to appear to be a dead end; but it is going to be a dead end, I think, with some unfortunate results if we do not pass the Sequoia protection legislation, which we could do immediately since, again, there is no controversy. But to do it in this fashion as part of this package with the other measures taken out of this package, I think there is a strong likelihood that that will fail to get Senate consideration in a timely fashion.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4020, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SHARK FINNING PROHIBITION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5461) to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

The Clerk read as follows:

H.R. 5461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shark Finning Prohibition Act".

SEC. 2. PURPOSE.

The purpose of this title is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

SEC. 3. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.

Section 307(l) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(l)) is amended—

(1) by striking "or" after the semicolon in subparagraph (N);

(2) by striking "section 302(j)(7)(A)." in subparagraph (O) and inserting "section 302(j)(7)(A); or"; and

(3) by adding at the end the following:

"(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;

"(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or

"(iii) to land any such fin without the corresponding carcass.

"For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board."

SEC. 4. REGULATIONS.

No later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the provisions of section 307(l)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(l)(P)), as added by section 403 of this title.

SEC. 5. INTERNATIONAL NEGOTIATIONS.

The Secretary of Commerce, acting through the Secretary of State, shall—

(1) initiate discussions as soon as possible for the purpose of developing bilateral or multilateral agreements with other nations for the prohibition on shark-finning;

(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in shark-finning, for the purposes of—

(A) collecting information on the nature and extent of shark-finning by such persons and the landing or transshipment of shark fins through foreign ports; and

(B) entering into bilateral and multilateral treaties with such countries to protect such species;

(3) seek agreements calling for an international ban on shark-finning and other fishing practices adversely affecting these species through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate regional fishery management bodies;

(4) initiate the amendment of any existing international treaty for the protection and conservation of species of sharks to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section;

(5) urge other governments involved in fishing for or importation of shark or shark products to fulfill their obligations to collect biological data, such as stock abundance and by-catch levels, as well as trade data, on shark species as called for in the 1995 Resolution on Cooperation with FAO with Regard to study on the Status of Sharks and By-Catch of Shark Species; and

(6) urge other governments to prepare and submit their respective National Plan of Action for the Conservation and Management of Sharks to the 2001 session of the FAO Committee on Fisheries, as set forth in the International Plan of Action for the Conservation and Management of Sharks.

SEC. 6. REPORT TO CONGRESS.

The Secretary of Commerce, in consultation with the Secretary of State, shall provide to Congress, by not later than 1 year after the date of enactment of this Act, and every year thereafter, a report which—

(1) includes a list that identifies nations whose vessels conduct shark-finning and details the extent of the international trade in shark fins, including estimates of value and information on harvesting of shark fins, and landings or transshipment of shark fins through foreign ports;

(2) describes the efforts taken to carry out this title, and evaluates the progress of those efforts;

(3) sets forth a plan of action to adopt international measures for the conservation of sharks; and

(4) includes recommendations for measures to ensure that United States actions are consistent with national, international, and re-

gional obligations relating to shark populations, including those listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

SEC. 7. RESEARCH.

The Secretary of Commerce, subject to the availability of appropriations authorized by section 410, shall establish a research program for Pacific and Atlantic sharks to engage in the following data collection and research:

(1) The collection of data to support stock assessments of shark populations subject to incidental or directed harvesting by commercial vessels, giving priority to species according to vulnerability of the species to fishing gear and fishing mortality, and its population status.

(2) Research to identify fishing gear and practices that prevent or minimize incidental catch of sharks in commercial and recreational fishing.

(3) Research on fishing methods that will ensure maximum likelihood of survival of captured sharks after release.

(4) Research on methods for releasing sharks from fishing gear that minimize risk of injury to fishing vessel operators and crews.

(5) Research on methods to maximize the utilization of, and funding to develop the market for, sharks not taken in violation of a fishing management plan approved under section 303 or of section 307(l)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853, 1857(l)(P)).

(6) Research on the nature and extent of the harvest of sharks and shark fins by foreign fleets and the international trade in shark fins and other shark products.

SEC. 8. WESTERN PACIFIC LONGLINE FISHERIES COOPERATIVE RESEARCH PROGRAM.

The National Marine Fisheries Service, in consultation with the Western Pacific Fisheries Management Council, shall initiate a cooperative research program with the commercial longlining industry to carry out activities consistent with this title, including research described in section 407 of this title. The service may initiate such shark cooperative research programs upon the request of any other fishery management council.

SEC. 9. SHARK-FINNING DEFINED.

In this Act, the term "shark-finning" means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2001 through 2005 such sums as are necessary to carry out this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5461, the Shark Finning Prohibition Act, introduced by the gentleman from California (Mr. CUNNINGHAM) is legislation that amends the Magnuson-Stevens Fishery Conservation and Management Act to prohibit the removal of shark fins, including the tail, and then to discard the carcass into the sea. It also prohibits the custody, control or possession of any such fin aboard a fishing

vessel without the corresponding carcass and prohibits the landing of such fins without the corresponding carcass.

In addition, the bill directs the Secretary of Commerce, through the Secretary of State, to initiate discussions with foreign governments that have fisheries engaged in shark finning and to seek agreements banning the activity.

Finally, H.R. 5461 authorizes research for Pacific and Atlantic sharks and requires the Secretary to report back to Congress 1 year after the date of enactment. The House passed a similar bill on June 6, 2000, and a nonbinding resolution on this issue. We must end this gruesome practice of shark finning, and I hope the other body will quickly approve this compromise version. I urge an aye voted on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of H.R. 5461, the Shark Finning Prohibition Act. Shark finning, as the gentleman from Utah (Mr. HANSEN) has pointed out, is currently one of the most visible and controversial conservation issues in the waters of the Pacific Ocean. While the practice of finning has already been banned in Federal waters of the Atlantic, Gulf of Mexico, and the Caribbean, as well as waters in 11 coastal States, it remains unregulated in the Pacific and this legislation is designed to address that problem.

Again, I support this legislation; but I want to continue to express my concerns about the manner in which these bills are now being presented, given what has happened to the parks package.

Mr. Speaker, I rise in support of H.R. 5461, the Shark Finning Prohibition Act.

Shark finning is currently one of the most visible and controversial conservation issues in the waters of the Pacific Ocean. While the practice of finning has already been banned in the Federal waters of the Atlantic, Gulf of Mexico, and the Caribbean, as well as the waters of 11 coastal states, it remains unregulated in the Pacific.

As a result, and because of the strong demand and high prices for shark fins in Asia, the harvest of shark fins in the Pacific has increased over the past seven years by more than 2000 percent. More than 60,000 sharks were caught and killed in 1998 alone, and 98 percent of those sharks were harvested only for their fins—or less than 5 percent of their body weight—while the remaining 95 percent of the shark was tossed overboard. Not only is this practice wasteful, many critics consider it to be morally and culturally wrong.

In addition, shark finning is inconsistent with U.S. policy both domestically and internationally. In the United States, it is contrary to the Magnuson Act which requires fishermen to reduce bycatch and the mortality of bycatch that cannot be avoided. Given that 85 percent of

the sharks caught are alive when they reach the boats, prohibiting the finning of these sharks will reduce bycatch by significant amounts.

Abroad, the United States has participated in and promoted shark conservation through the United Nation's fisheries committee where specific guidelines on shark conservation have been adopted. Those guidelines include a provision that countries should adopt methods to prohibit finning and encourage the full use of dead sharks. For the United States to promote these measures internationally while continuing to allow shark finning in its own waters would be hypocritical and could undermine our efforts to achieve international conservation.

The Shark Finning Prohibition Act will not prevent United States fishermen from harvesting sharks, bringing them to shore, and then using the fins or any other part of the shark. Instead, it would simply prevent the cutting off of the fins and the disposal of the carcass at sea, or the transport or landing of fins harvested in this manner by another fishing vessel.

It also encourages the Administration to enter into discussions with other nations where shark finning still occurs to try and bring this practice to an end not just in the United States, but around the world. The bill is identical to language that passed the other body earlier this month, and I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), the author of this legislation.

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I will not take very much time. I would like to thank the ranking minority member, the gentleman from California (Mr. GEORGE MILLER). I read in a magazine, an outdoorsman magazine, about the practice of fishermen catching sharks, cutting off their fins just for sale, primarily in the Orient, because of their aphrodisiac effects and other issues with the fin. They were taking the shark, after they cut the fins off, and dumping it back into the water and letting it drown.

I am a hunter. I am a fisherman and a sportsman, and to me I think that this was unspeakable. We have gotten support from the gentleman from New Jersey (Mr. SAXTON), the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from California (Mr. GEORGE MILLER), and his leadership, against this practice.

I would also like to thank the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from the other body from Hawaii, who wrote the compromising language to this to include it in international practices as well.

I rise in strong support of this compromise language.

Mr. Speaker, I rise today to bring before the House my legislation to ban the practice of

shark finning. For those unfamiliar with shark finning, it is the distasteful practice of removing a shark's fins and discarding the carcass into the sea. As an avid sportsman, and as a previous co-chairman of the Congressional Sportsmen's Caucus, I find this practice horrific and wasteful.

Mr. Speaker, this is the fourth time this Congress the House has acted on this issue. Moreover, I want to especially thank Chairman SAXTON, Chairman YOUNG, and Ranking Member GEORGE MILLER for their strong commitment to this legislation and their leadership against this terrible practice of shark finning.

Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity, and small number of offspring leave them exceptionally vulnerable to overfishing, and they are slow to recover from practices that contribute to their depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea.

My colleagues are well aware of my campaign to stop the wasteful and unsportsmanlike practice of shark finning. This will be the fourth time that the House has acted on this issue, and the third version of my legislation. The bill before us today represents a compromise between the House and the Senate. It is important that we pass this legislation today and protect America's fisheries.

The Shark Finning Prohibition Act bans the wasteful practice of removing a shark's fins and discards the remainder of the shark into the ocean. Currently, this practice continues only in the U.S. waters of the Western Pacific. My legislation before us today will ban this terrible practice.

We must also address the massive problem caused by the international trade in shark fins. Last year, the House passed my measure, House Concurrent Resolution 189, which called upon the Secretary of State to continue the U.S. leadership role in banning shark finning worldwide. The bill before us today directs the Secretary of State and Secretary of Commerce to work and stop the global shark fin trade. This will require the active engagement of more than 100 countries, and reduction in the demand for shark fins and other shark products. As my previous resolution stressed, international measures are a critical component of achieving effective shark conservation.

Finally, the bill authorizes a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments. This includes identifying fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and providing data on the international shark fin trade. This important provision was included at the request of the Senate to complement our shark conservation efforts.

Mr. Speaker, the United States has always been a leader in fisheries conservation and management. This legislation provides us the opportunity to stand on the world stage and demand that other countries take action to stop this wasteful and unsportsmanlike practice.

The Shark Finning Prohibition Act has broad bipartisan support. It is strongly supported by the Ocean Wildlife Campaign, a coalition that includes the Center for Marine Conservation, National Audubon Society, National Coalition

for Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and the World Wildlife Fund.

In addition, it is supported by the State of Hawaii Office of Hawaiian Affairs, the American Sportfishing Association, the Recreational Fishing Alliance, the Sportfishing Association of California, the Cousteau Society, and the Western Pacific Fisheries Coalition.

Today, we can act to halt the rampant waste resulting from shark finning and solidify our national opposition to this terrible practice. Vote yes on H.R. 5461; vote yes to prohibit shark finning.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I do rise in strong support of this legislation. I am a little bit chagrined my good friend, the gentleman from California (Mr. CUNNINGHAM), recognized the gentleman from California (Mr. GEORGE MILLER) and thanked him for his support but forgot the chairman, except later on. There is a priority here, and I always worry about that.

Other than that, this is a good piece of legislation. The gentleman is absolutely correct. The idea that a fish, or a shark, could be caught, and they have enough bad times the way it is, but to take just the fins, et cetera, and return them to sea to die a very hideous death is beyond my comprehension.

Whatever can happen, sometimes these types of pieces of legislation can have good intentions and they are not implemented by the State Department, because we have to recognize we have a lot of rules about how one sees interception now with our salmon in Alaska, and yet we have documentation where the Coast Guard has identified the death curtains at high seas and the Coast Guard tries to implement and enforce our international agreement and the State Department tries to pull them off and say we do not want an international incident.

I will say again, I voted against trading with China and I will say again the Chinese Government is the guiltiest one of all of catching these fish at high seas with these huge, long nets. Until the State Department sees fit to enforce those type of laws, these sound good and feel good on the floor of the House; but we have to have someone with a little backbone and an administration that will say, all right, this is the law, this is an agreement we reached and enforce those laws so that we can stop the heinous-type action with shark finning, and of course, with catching the fish at high seas.

Mr. Speaker, I urge support of the legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5461.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATCHEZ TRACE PARKWAY, MISSISSIPPI BOUNDARY ADJUSTMENT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2020) to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

The Clerk read as follows:

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) PARKWAY.—The term "Parkway" means the Natchez Trace Parkway, Mississippi.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) IN GENERAL.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled "Alternative Alignments/Area", numbered 604-20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled "Emerald Mound Development Concept Plan", numbered 604-20042E and dated August 1987.

(b) MAPS.—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) ADMINISTRATION.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 3. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2020, introduced by Senator LOTT from Mississippi, would adjust the boundary of the Natchez Trace Parkway to include approxi-

mately an additional 230 acres of land to the parkway. The bill also authorizes the Secretary of the Interior to administer the land as part of the parkway. Furthermore, the bill would allow the Secretary to lease land within the boundary of the parkway to the city of Natchez, Mississippi, for any purpose compatible with the parkway.

The Natchez Trace Parkway runs 444 miles from Natchez in southern Mississippi to a point just south of Nashville, Tennessee. The parkway commemorates Native American paths that were later used by white settlers to extend their commerce and trade. It is a scenic road built and maintained by the National Park Service with 15 major interpretive locations, historic sites, camping and picnic facilities.

□ 1430

Expanding the parkway as proposed by this legislation is a good idea, and I urge my colleagues to support S. 2020.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I rise today in support of S. 2020, a bill to adjust the boundary of Natchez Trace Parkway in the City of Natchez, Mississippi.

Mr. Speaker, S. 2020 will allow the Secretary of the Interior to acquire land in the City of Natchez to complete the southern terminus of the Natchez Trace Parkway.

This is a simple, noncontroversial bipartisan measure. S. 2020 was sponsored by Mississippi Senators LOTT and COCHRAN. I appreciate the House leadership agreeing to my request to expedite S. 2020 and place it on the Suspension Calendar.

The Natchez Trace Parkway was established as a unit of the National Park System in 1938. S. 2020 authorizes the acquisition of 150 acres to provide for the completion of the Parkway's southern terminus in the city of Natchez.

In addition, 80 acres would be acquired to provide access to the Emerald Mound, a prehistoric Natchez Indian ceremonial mound. This would accommodate the construction of a short spur road to the mound site and new and improved exhibits, trails and park facilities at the Emerald Mound.

Mr. Speaker, this bill is a win-win for everybody, and I appreciate the spirit of bipartisanship that has made this happen. Indeed, we can do good things for our people when Democrats and Republicans work together.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2020 is a noncontroversial bill which the National Park Service supports. It provides for the acquisition of 230 acres of the Natchez Trace National Parkway, and we support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2020.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GUAM OMNIBUS OPPORTUNITIES ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

(a) **TRANSFER OF EXCESS REAL PROPERTY.**—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the "Property Act"), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

(b) **CONDITIONS OF TRANSFER.**—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam; (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have

been occupied and used by another Federal agency for a minimum of 2 years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

(3) All transfers of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code, or section 501 of Public Law 100-77 (42 U.S.C. 11411).

(c) **DEFINITIONS.**—For the purposes of this section:

(1) The term "Administrator" means—

(A) the Administrator of General Services; or
(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term "base closure law" means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or similar base closure authority.

(3) The term "excess real property" means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

(4) The term "Guam National Wildlife Refuge" includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the "Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993" to the extent that the Federal Government holds title to such lands.

(5) The term "public purpose" means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101-47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a nondiscriminatory basis.

(d) **EXEMPTIONS.**—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

(B) If the parties reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(C) If the parties do not reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and

Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of the Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another Federal agency or out of Federal ownership except pursuant to an Act of Congress specifically identifying such property:

(3) to real property described in the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116) which shall be disposed of in accordance with such Act;

(4) to real property on Guam that is declared excess as a result of a base closure law; or

(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of two years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

(e) **DUAL CLASSIFICATION PROPERTY.**—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(f) **AUTHORITY TO ISSUE REGULATIONS.**—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of the Interior, may issue such regulations as he deems necessary to carry out this section.

SEC. 2. COMPACT IMPACT REPORTS.

Section 104(e)(2) of Public Law 99-239 (99 Stat. 1770, 1788) is amended by deleting "President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii." and inserting in lieu thereof, "Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed \$300,000 in any year."

SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.

(a) The freely associated states of the Republic of the Marshall Islands, the Federated States

of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance, and services of the United States, to the extent that such programs, grant assistance, and services are provided to States and local governments of the United States and residents of such States, for which a freely associated State or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99-239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) by striking “or” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: Provided, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2462, legislation which would amend the Organic Act of Guam.

This House passed this bill on July 25, and the other body has amended it and returned to it us for another vote. The amendments are clarifying in nature and are constructive and acceptable. I urge my colleagues to vote in support of H.R. 2462, as amended by the other body.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD), who has worked very long and hard on this legislation and has worked with all of us on the committee to resolve concerns that have been raised.

Mr. UNDERWOOD. Mr. Speaker, I thank the ranking member for yielding me this time, and I would like to thank both the majority and minority for their extensive support on this particular piece of legislation. I also thank the gentleman from Alaska (Mr. YOUNG), the chairman of the committee, and the gentleman from California (Mr. GEORGE MILLER), the ranking member.

I ask that my colleagues support H.R. 2462, originally entitled the Guam

Omnibus Opportunities Act, which includes important legislation that will improve Federal-Guam relations dealing in particular with the problem of Federal excess lands in Guam.

As background, when I originally introduced H.R. 2462 last year, with both the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) as cosponsors, there were six provisions in this bill which dealt with Federal excess lands, foreign investment tax equity in Guam, the importation of betel nuts for personal consumption, housing assistance for citizens from the Freely Associated States, Compact Impact reporting requirements, and State share funding for Guam for certain Department of Justice block grant programs.

Mr. Speaker, H.R. 2462 was the first Guam omnibus bill ever introduced in Congress. My goal was to introduce legislation dealing with Guam issues to provide a clear delineation on the matters that were important to our island for Federal policymakers without being mired in the complexities of other territorial or other Federal issues.

Fortunately, we were able to resolve many of these provisions and they are no longer in the bill, including the last provision which is for State share funding for Guam for Department of Justice block grant programs. With the assistance of the gentleman from New York (Mr. SERRANO) and others, we were able to take care of that in the State, Commerce, Justice appropriations measure.

The other matter which we were able to resolve administratively was the provision of betel nut importation. On September 7, 2000, the Food and Drug Administration revised its provision on betel nuts from Guam by issuing an import bulletin allowing for the importation for personal consumption. I am pleased that the people of Guam and other Pacific Islanders are now able to freely practice our cultural tradition of betel nut chewing when visiting family or friends or residing in the U.S. mainland.

Mr. Speaker, H.R. 2462, as passed by the Senate on October 24, 2000, includes the remaining provisions as originally introduced and provides for a continuation of Federal programs for citizens from the Freely Associated States for the duration of compact negotiations between the United States and the Republic of the Marshall Islands and the Federated States of Micronesia. Legislation dealing with foreign investment equity tax treatment is being pursued in another legislative vehicle due to overlapping committee jurisdictions.

By far, the most important provision in this legislation today on the House floor is the Guam Land Return Act. With a land area of 220 square miles, one-third of which is held by the U.S. government, land is one of the most important issues facing the people of Guam. Section 1 of H.R. 2462 is truly landmark legislation which provides

for a process to resolve all remaining Federal land issues in Guam.

This legislation is the product of an effort which began some 7 years ago at a Guam land conference. The conference was attended by Department of Interior officials, DOD officials, government of Guam officials, and hundreds of citizens from Guam. We discussed in great detail the problems in the original land takings by the Federal Government which justifies a special process for Guam. We discussed in great detail the needs of the military and the complications created by the involvement of the U.S. Fish and Wildlife in declaring a wildlife refuge in Guam. But most importantly, we listened to the stories of the people of Guam, stories of patience, injustices, and failed promises, but steadfast loyalty. We knew then that a comprehensive process for the movement of Federal excess lands which was fair and tailored to fit the Guam situation needed to be passed.

The Guam Land Return Act provides a process for the government of Guam to receive lands from the U.S. Government for specified public purposes by giving Guam the right of first refusal of declared Federal excess lands by the General Services Administration prior to it being made available to any other Federal agency. Consideration is given to the impact of future uses of the return property on nearby military facilities. It also provides for a process for the government of Guam and the U.S. Fish and Wildlife to engage in negotiations on the future ownership and management of declared Federal excess lands within the refuge.

I am pleased that we were able to retain the definition of public benefit purposes under Public Law 103-339. This process has worked well for us in Guam and it provides the government of Guam the flexibility needed to provide for local land use needs. I want to stress that this is very important legislation for the people of Guam. It provides a vehicle for them to acquire, reacquire the land which was taken immediately after World War II in a way that does not compromise our military position and in a way that is fair and equitable to the people of Guam.

Mr. Speaker, I ask for my colleagues' support on this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and I thank her for her help on this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2462, the Guam Omnibus Opportunities Act. I congratulate my colleague and fellow Democrat, the gentleman from Guam (Mr. UNDERWOOD), for his successful work in shepherding this legislation through the Congress. Few will ever fully appreciate the difficulties faced by the delegates from the U.S. territories in moving legislation through

the Congress. The process entails many emotional highs and lows, and often requires our full attention to educate others with the issues that confront our fellow Americans in the territories.

The Guam Omnibus Opportunities Act is important legislation for Guam and good policy for the United States. Of all the territories, Guam has historically played a strategic role in the planning of our national defense. However, the ending of the Cold War and our shifting defense strategy has caused much of the military land owned in Guam to become excess, as it has also downsized military activities across our Nation.

Mr. Speaker, H.R. 2462 sets out a process so that Guam can have the right of first refusal for the return of future excess Federal land in Guam. Taking into consideration the island's limited and precious resources, this new policy will provide opportunities for Guam to maximize the use of these lands that have been in Federal control for the past 5½ decades.

Mr. Speaker, this is good legislation for the people of Guam, and I again congratulate the gentleman from Guam (Mr. UNDERWOOD) for his tireless work in getting this measure to the floor. I urge full support from my colleagues.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I just want to commend the gentleman from Guam (Mr. UNDERWOOD) who has spent a considerable amount of time working out all of the difficulties with this legislation in bringing the parties together.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2462.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CORRECTING ENROLLMENT OF S. 1474, PALMETTO BEND CONVEYANCE ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 156) to make a correction in the enrollment of the

bill, S. 1474, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 156

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1474) entitled "An Act providing for conveyance of the Palmetto Bend project to the State of Texas.", the Secretary of the Senate shall make the following correction:

In section 7(a) insert "not" after "shall".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1653, H. Con. Res. 434, H.R. 4020, H.R. 5461, S. 2020, and H.R. 2462, the 6 bills just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "August 20, 1994" and inserting in lieu thereof "August 20, 2001".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5239.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 5239, the Export Administration Modification and Clarification Act of 2000, which provides for a short-term extension of the Export Administration Act, EAA, through August 20, 2001.

For the past 6 years, the provisions of the EAA have been kept in force through the provisions of the International Emergency Economic Powers Act, known as IEEPA. When the EAA lapsed in 1994, the President kept the export administration regulations in force by Executive Order under emergency authority under IEEPA, as has been done in the past.

Enactment of this measure is intended to reauthorize the existing EAA for a short period of time, thereby permitting the Congress to fashion a comprehensive rewrite of this 21-year-old statute.

□ 1445

The EAA currently establishes export licensing policy for items detailed on the Commerce Control list. The list provides specifications for close to 2,400 dual-use items, including equipment and software likely to require some type of license.

Mr. Speaker, this Member would point out to his colleagues that the other body has modified the text of the bill which originated in this Chamber since the lapse of the Export Administration Act in August of 1994, would have retroactively provided the Department of Commerce with authority to keep licensing information confidential under provisions of section 12(c) of that act.

Under the provisions of this measure, the Department of Commerce will be able to protect licensing information from the date of enactment through August 20, 2001. It also provides for higher fines for criminal and/or administrative sanctions against the individuals or companies found to be in violation of export control regulation.

This Member would further point out to his colleagues that while the original text of this Chamber's bill had included even higher fines, the measure before this body today will still provide higher fines than those currently authorized under IEEPA.

In short, this measure provides a much-needed stopgap authority for export control officials at the Commerce Department.

Mr. Speaker, these are good reasons in this Member's judgment why this measure deserves the support of our colleagues. Therefore, this Member urges adoption of H.R. 5239.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill. The Export Administration Act has been the principal authority for the regulation in the export of dual-use items from the United States. When this bill lapsed in August of 1994,

the President invoked the International Emergency Economic Powers Act, and other authorities, to continue the export control system, including the Export Administration Regulations.

Now, there has been a recent court ruling that calls into question whether or not the government can essentially hide behind emergency powers to revive an expired law. Specifically, the case calls into question the Commerce Department's ability to keep sensitive export information provided by exporters from public disclosure using the confidentiality provision.

We have got to pass this law to make sure that they can keep the information confidential so that the exporters will fully use the Commerce Department's assistance in exporting our products. We really do have a record trade imbalance. We need to export more. Exporting American products creates jobs for American workers.

We need to pass this law as an important part of making sure that the Commerce Department is there to provide as much assistance as possible in moving products overseas.

While we would have preferred the House-passed version, the Senate amendment we are taking up today does address this problem. It reauthorizes the Export Administration Act until October 20, 2001. By doing so, it will ensure that the Department of Commerce will be able to rely on the Export Administration Act to protect the confidentiality of the relevant documents received since 1994, as well as the documents that the Commerce Department receives between now and August 20 of next year.

Mr. Speaker, for that reason we fully concur that this bill should be passed. I urge my colleagues to support H.R. 5239.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of this legislation which serves to reauthorize the Export Administration Act and extend its authority over the regulation of exports of dual-use items.

This bill underscores the confidentiality provisions of the EAA and thus helps to ensure the Commerce Department's ability to keep sensitive export information confidential. For over six years, the U.S. has been operating under International Emergency Economic Powers Act rendering itself vulnerable to legal challenges. This bill helps to protect the government against these legal challenges.

Unfortunately, the legislation before us does not provide changes to our system of export controls—changes needed to address current global realities. However, it does serve to underscore the importance of the EAA and the need to have an efficient framework for the administration of export controls.

Throughout the last few years, the Subcommittee on International Economic Policy and Trade, which I chair, has held numerous sessions to investigate the areas of EAA which need reforming or re-writing. We have evaluated legislation and have approved smaller efforts to correct flaws in the current export control process.

However, more progress needs to be made if we are to bring the EAA out of the Cold War and into the present.

I hope this bill will serve as the foundation for failure legislative action by both Chambers toward the realization of this important goal.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 5239, the "Export Administration Modification and Clarification Act of 2000" which provides for a simple extension of the Export Administration Act through August 20, 2001. For the past six years, its authorities have been kept in force through the provisions of the International Emergency Economic Powers Act.

Enactment of this measure is intended to reauthorize the existing EAA for a short period of time thereby permitting the Congress to fashion a comprehensive rewrite of this 21 year old statute.

I would point out, however, that the Senate has modified the text of the House bill which, since the lapse of the Export Administration Act in August of 1994, would have retroactively provided the Department of Commerce with authority to keep licensing information confidential under the provisions of Section 12(c) of that Act.

By adopting the Senate version of this legislation, the Congress is leaving to the courts the question whether, or to what extent, the provisions of the Export Administration Act of 1979 were extended by authorities granted under IEPPA after the expiration of the EAA in 1994.

We can say, however, with certainty that under the provisions of this measure, the Department of Commerce will be able to protect licensing information from the date of enactment through August 20, 2001.

It also provides for higher fines for criminal and or administrative sanctions against individuals or companies found to be in violation of export control regulations.

And I further point out to my colleagues that while the original text of the House bill had included even higher fines, the measure before the House today will still provide higher fines than those currently authorized under IEPPA.

In short, this measure provides a much needed stop-gap authority for our export control officials at the Commerce Department.

These are, I believe, good reasons why this measure deserves the support of all of my colleagues.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and concur in the Senate amendment to H.R. 5239.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

VOICING CONCERN ABOUT SERIOUS VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN MOST STATES OF CENTRAL ASIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 397) voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections, as amended.

The Clerk read as follows:

H. CON. RES. 397

Whereas the states of Central Asia—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—have been participating states of the Organization for Security and Cooperation in Europe (OSCE) since 1992 and have freely accepted all OSCE commitments, including those concerning human rights, democracy, and the rule of law;

Whereas the Central Asian states, as OSCE participating states, have affirmed that every individual has the right to freedom of thought, conscience, religion or belief, expression, association, peaceful assembly and movement, freedom from arbitrary arrest, detention, torture, or other cruel, inhuman, or degrading treatment or punishment, and if charged with an offense the right to a fair and public trial;

Whereas the Central Asian states, as OSCE participating states, have committed themselves to build, consolidate, and strengthen democracy as the only system of government, and are obligated to hold free elections at reasonable intervals, to respect the right of citizens to seek political or public office without discrimination, to respect the right of individuals and groups to establish in full freedom their own political parties, and to allow parties and individuals wishing to participate in the electoral process access to the media on a nondiscriminatory basis;

Whereas the general trend of political development in Central Asia has been the emergence of presidents far more powerful than other branches of government, all of whom have refused to allow genuine electoral challenges, postponed or canceled elections, excluded serious rivals from participating in elections, or otherwise contrived to control the outcome of elections;

Whereas several leaders and governments in Central Asia have crushed nascent political parties, or refused to register opposition parties, and have imprisoned and used violence against, or exiled, opposition figures;

Whereas in recent weeks fighting has erupted between government troops of Kyrgyzstan and Uzbekistan and members of the Islamic Movement of Uzbekistan;

Whereas Central Asian governments have the right to defend themselves from internal and external threats posed by insurgents, radical religious groups, and other anti-democratic elements which employ violence as a means of political struggle;

Whereas the actions of the Central Asian governments have tended to exacerbate these internal and external threats by domestic repression, which has left few outlets for individuals and groups to vent grievances or otherwise participate legally in the political process;

Whereas in Kazakhstan, President Nursultan Nazarbaev dissolved parliament in 1993 and again in 1995, when he also annulled

scheduled Presidential elections, and extended his tenure in office until 2000 by a deeply flawed referendum;

Whereas on January 10, 1999, President Nazarbaev was reelected in snap Presidential elections from which a leading challenger was excluded for having addressed an unregistered organization, "For Free Elections," and the OSCE assessed the election as falling far short of international standards;

Whereas Kazakhstan's October 1999 parliamentary election, which featured widespread interference in the process by the authorities, fell short of OSCE standards, according to the OSCE's Office of Democratic Institutions and Human Rights (ODIHR);

Whereas Kazakhstan's parliament on June 22, 2000, approved draft legislation designed to give President Nazarbaev various powers and privileges for the rest of his life;

Whereas independent media in Kazakhstan, which used to be fairly free, have been pressured, co-opted, or crushed, leaving few outlets for the expression of independent or opposition views, thus limiting the press's ability to criticize or comment on the President's campaign to remain in office indefinitely or on high-level corruption;

Whereas the Government of Kazakhstan has initiated, under OSCE auspices, roundtable discussions with representatives of some opposition parties and public organizations designed to remedy the defects of electoral legislation and now should increase the input in those discussions from opposition parties and public organizations that favor a more comprehensive national dialogue;

Whereas opposition parties can function in Kyrgyzstan and parliament has in the past demonstrated some independence from President Askar Akaev and his government;

Whereas 3 opposition parties in Kyrgyzstan were excluded from fielding party lists and serious opposition candidates were not allowed to contest the second round of the February–March 2000 parliamentary election, or were prevented from winning their races by official interference, as cited by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR);

Whereas a series of flagrantly politicized criminal cases after the election against opposition leaders and the recent exclusion on questionable linguistic grounds of other would-be candidates have raised grave concerns about the fairness of the election process and the prospects for holding a fair Presidential election on October 29, 2000;

Whereas independent and opposition-oriented media in Kyrgyzstan have faced serious constraints, including criminal lawsuits by government officials for alleged defamation;

Whereas in Tajikistan, a civil war in the early 1990s caused an estimated 50,000 people to perish, and a military stalemate forced President Imomali Rakhmonov in 1997 to come to terms with Islamic and democratic opposition groups and agree to a coalition government;

Whereas free and fair elections and other democratic steps in Tajikistan offer the best hope of reconciling government and opposition forces, overcoming the legacy of the civil war, and establishing the basis for civil society;

Whereas President Rakhmonov was reelected in November 1999 with 96 percent of the vote in an election the OSCE did not observe because of the absence of conditions that would permit a fair contest;

Whereas the first multiparty election in the history of Tajikistan was held in February–March 2000, with the participation of former warring parties, but the election fell short of OSCE commitments and 11 people, including a prominent candidate, were killed;

Whereas in Turkmenistan under the rule of President Saparmurat Niyazov, no internationally recognized human rights are observed, including freedom of speech, assembly, association, religion, and movement, and attempts to exercise these rights are brutally suppressed;

Whereas Turkmenistan has committed political dissidents to psychiatric institutions;

Whereas in Turkmenistan President Niyazov is the object of a cult of personality, all political opposition is banned, all media are tightly censored, and only one political party, the Democratic Party, headed by President Niyazov, has been registered;

Whereas the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), citing the absence of conditions for a free and fair election, refused to send any representatives to the December 1999 parliamentary elections;

Whereas President Niyazov subsequently orchestrated a vote of the People's Council in December 1999 that essentially makes him President for life;

Whereas in Uzbekistan under President Islam Karimov, no opposition parties are registered, and only pro-government parties are represented in parliament;

Whereas in Uzbekistan all opposition political parties and leaders have been forced underground or into exile, all media are censored, and attempts to disseminate opposition newspapers can lead to jail terms;

Whereas Uzbekistan's authorities have laid the primary blame for explosions that took place in Tashkent in February 1999 on an opposition leader and have tried and convicted some of his relatives and others deemed his supporters in court proceedings that did not correspond to OSCE standards and in other trials closed to the public and the international community;

Whereas in Uzbekistan police and security forces routinely plant narcotics and other evidence on political opposition figures as well as religious activists, according to Uzbek and international human rights organizations; and

Whereas the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), citing the absence of conditions for a free and fair election, sent no observers except a small group of experts to the December 1999 parliamentary election and refused any involvement in the January 2000 Presidential election: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses deep concern about the tendency of Central Asian leaders to seek to remain in power indefinitely and their willingness to manipulate constitutions, elections, and legislative and judicial systems, to do so;

(2) urges the President, the Secretary of State, the Secretary of Defense, and other United States officials to raise with Central Asian leaders, at every opportunity, the concern about serious violations of human rights, including noncompliance with Organization for Security and Cooperation in Europe (OSCE) commitments on democracy and rule of law;

(3) urges Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan to come into compliance with OSCE commitments on human rights, democracy, and the rule of law, specifically the holding of free and fair elections that do not exclude genuine challengers, to permit independent and opposition parties and candidates to participate on an equal basis with representation in election commissions at all levels, and to allow domestic nongovernmental and political party observers, as well as international observers;

(4) calls on Central Asian leaders to establish conditions for independent and opposition media to function without constraint, limitation, or fear of harassment, to repeal criminal laws which impose prison sentences for alleged defamation of the state or public officials, and to provide access to state media on an equal basis during election campaigns to independent and opposition parties and candidates;

(5) reminds the leaders of Central Asian states that elections cannot be free and fair unless all citizens can take part in the political process on an equal basis, without intimidation or fear of reprisal, and with confidence that their human rights and fundamental freedoms will be fully respected;

(6) calls on Central Asian governments that have begun roundtable discussions with opposition and independent forces to engage in a serious and comprehensive national dialogue, on an equal footing, on institutionalizing measures to hold free and fair elections, and urges those governments which have not launched such roundtables to do so;

(7) calls on the leaders of Turkmenistan and Uzbekistan to condemn and take effective steps to cease the systematic use of torture and other inhuman treatment by authorities against political opponents and others, to permit the registration of independent and opposition parties and candidates, and to register independent human rights monitoring organizations;

(8) urges the governments of Central Asia which are engaged in military campaigns against violent insurgents to observe international law regulating such actions, to keep civilians and other noncombatants from harm, and not to use such campaigns to justify further crackdowns on political opposition or violations of human rights commitments under OSCE;

(9) encourages the Administration to raise with the governments of other OSCE participating states the possible implications for OSCE participation of any participating state in the region that engages in clear, gross, and uncorrected violations of its OSCE commitments on human rights, democracy, and the rule of law; and

(10) urges the Voice of America and Radio Liberty to expand broadcasting to Central Asia, as needed, with a focus on assuring that the peoples of the region have access to unbiased news and programs that support respect for human rights and the establishment of democracy and the rule of law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the author of this resolution with whom I have worked. I appreciate his great effort.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for yielding

me this time, and I want to thank him for his work in shepherding this resolution through his Subcommittee on Asia and the Pacific, and for all of those Members who have co-signed and co-sponsored this resolution.

Mr. Speaker, this resolution expresses the sense of Congress that the state of democratization and human rights in the countries of Central Asia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, is a source of very, very serious concern. In 1992, these States freely pledged to observe the provisions of the 1975 Helsinki Final Act and subsequent OSCE documents. The provisions contained in the 1990 Copenhagen Document commit the participating states to foster democratization through, among other things, the holding of free and fair elections, to promote freedom of the media, and to observe the human rights of their citizens.

Mr. Speaker, 8 years have passed since then, but in much of Central Asia the commitments they promised to observe remain a dead letter. In fact, in some countries the situation has deteriorated substantially.

For instance, opposition political activity was permitted in Uzbekistan in the late 1980s. An opposition leader even ran for president in the December 1991 election. In mid-1992, however, President Karimov decided to ban any manifestation of dissidence. Since then, no opposition movements have been allowed to function openly and the state controls the society as tightly as during the Soviet era.

An even more disappointing example is Kyrgyzstan. Once one of the most democratic Central Asian states, Kyrgyzstan has gone the way of neighboring dictatorships. President Akaev has followed his regional counterparts in manipulating the legal, judicial, and law enforcement apparatus in a way to stay in office, despite domestic protest and international censure. On October 29, he will run for a third term; and he will win it, in a pseudo-election from which all serious candidates have been excluded.

Throughout the region, authoritarian leaders have contrived to remain in office by whatever means necessary and give every sign of intending to remain in office as long as they live. Indeed, Turkmenistan's President Niyazov has made himself President for Life last December, and Kazakhstan's President Nazarbaev, who has extended his tenure in office through referenda, canceling elections, and staging deeply flawed elections, this summer arranged to have lifelong privileges and perks go his way.

It may sound bizarre, but it may not be out of the realm of possibility that some of these leaders who already head what are, for all intents and purposes, royal families, are planning to establish what can only be described as family dynasties.

Certainly the worst offender is Turkmenistan. Under the tyrannical

misrule of Niyazov, President Niyazov, his country is the only one-party state in the entire OSCE region. Niyazov's cult of personality has reached such proportions that state media refer to him as a sort of divine being, while anyone who whispers a word of opposition or protest is dragged off to jail and tortured.

Corruption is also rampant in Central Asia. Rulers enrich themselves and their families and a favored few, while the rest of the population struggles to eke out a miserable existence and drifts towards desperation. We are, indeed, already witnessing the consequences. For the second consecutive year, armed insurgents of the Islamic Movement of Uzbekistan invaded Uzbekistan and Kyrgyzstan. While they have been less successful than last year in seizing territory, they will not go away. Impoverishment of the populace fills their ranks with people, threatening to create a chronic problem. While the most radical groups in Central Asia might have sought to create theocracies regardless of the domestic policies pursued by Central Asian leaders, the latter's marriage of corruption and repression has created an explosive brew.

Mr. Speaker, finally let me say the leaders of Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and Turkmenistan seem to believe that U.S. strategic interest in the region, and the fear of Islamic fundamentalism, will keep the West and Washington from pressing them too hard on human rights while they consolidate power. Let us show them that they are wrong.

America's long-term and short-term interests lie with democracy, the rule of law, and respect for human rights. So I hope that my friends and colleagues on both sides of the aisle will join in backing this important resolution.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. The post-Soviet independence of the Central Asian states has not panned out in the way that benefited the population of these countries. Instead, it created wealthy and often corrupt elites and impoverished the population.

Although all of these newly-independent states have joined the OSCE and appear, at least on paper, to be committed to OSCE principles, in reality the leaders of these countries have consistently fallen back on their OSCE commitments.

The political development reinforced the Office of the President at the expense other branches of government. Parliaments are weak and the courts are not free. Presidents of some countries, such as Turkmenistan, have pushed laws through their rubber-stamp legislatures that extend their presidential powers for life. Other gov-

ernments, like the government of Uzbekistan, have been using the justification of fighting terrorism and insurgency as a means to imprison and/or exile the opposition, censor the press, and control civic and religious activities.

On the other hand, some countries such as Kyrgyzstan and Kazakhstan have demonstrated varying degrees of progress. Until recently, opposition parties could function freely in Kyrgyzstan, while the OSCE agreed to Kazakhstan's 1999 parliamentary election, which they found falling short of international standards but, nevertheless, an improvement over the past.

The stability of Central Asia is key to the stability of this region which borders on Afghanistan, Iran, China, and Pakistan. The governments of Central Asia cite the destabilizing influence of drugs and arms-trafficking from outside of their borders and the need to fight Islamic fundamentalism as justifications for their authoritarian regimes.

The government of Kyrgyzstan and Uzbekistan have already been battling with the Islamic Movement of Uzbekistan, a United States-recognized terrorist group. However, some have charged that the oppressive measures of these regimes may have driven their impoverished and marginalized population into the arms of terrorists.

Although the Central Asian states do not have a strong tradition of democracy, free press, and free and fair elections, it is, however, important that our government and Congress continue to press for greater democratic reforms in these countries within the OSCE framework and on a bilateral basis.

Mr. Speaker, I urge my colleagues to support H. Con. Resolution 397.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. Speaker, I want to commend the gentlewoman from California (Ms. LEE) on her comments, as well as the gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights, for his comments and his work on this legislation.

□ 1500

Mr. Speaker, with the collapse of the Soviet Union in 1991, five independent States in Central Asia came into being, we have heard about them here today, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. The deserts, the mountains, the steppes and the river valleys in this region are home to 50 million people. State borders, which were imposed by Stalin, artificially partition and breed resentments among various large ethnic groups, principally Russians, Uzbeks and Tajiks.

Since achieving their independence, the Central Asian Republics have operated with little or no international

scrutiny. In effect, Central Asia has been relegated to an international policy backwater. However, given the geostrategic significance of the region, and given the region's vast wealth of natural resources, such an oversight is risky. This body ignores the region at its peril, as does our country.

Regrettably, the nations of Central Asia appear to be moving along the path of authoritarianism. In recent months, each of the five countries has conducted general elections. These elections varied in the degree of electoral freedom; however, in no case did any of these elections meet internationally accepted norms. Indeed, most remain reminiscent of Soviet-style elections.

There has been decertification of opposition parties and, in some cases, the apprehension of opposition leaders.

The State Department's Country Reports on Human Rights Practices for 1999 concludes that presidential power in Kazakhstan and Kyrgyzstan overshadows legislative and judicial power, and that Uzbekistan, Turkmenistan and Tajikistan have lost ground in democratization and respect for human rights. This continual decline is very disturbing and raises questions about the ability of the United States to successfully encourage true democratic institutions and the rule of law.

In some ways, this is a difficult resolution. There are five countries in Central Asia. Each has unique characteristics. Some enjoy certain socioeconomic advantages over the others. Kyrgyzstan and Kazakhstan allow a relatively greater, but still limited, degree of political participation.

The ruler in Turkmenistan has developed a cult of personality so deep that he has changed his name so that he is, quite literally, "Father of the Turkmen"; in other words, Turkmenbashi.

Tajikistan has suffered from a severe civil war throughout the 1990s. But the common theme throughout Central Asia is governmental abuse of human rights, basic human rights. Opposition leaders who appear to be gaining influence are dealt within a decisive, anti-democratic manner.

Now, it is certainly true that most, if not all of these countries, face armed insurgencies. There are all-powerful tribal warlords in Tajikistan. In Uzbekistan and Kyrgyzstan, there are armed religious extremists. Indeed, as we meet, there are Taliban-backed insurgents fighting Uzbek military forces. I think we are going to hear about that in a few minutes from the gentleman from California (Mr. ROHRABACHER). These Islamic militants are decidedly antidemocratic.

In Kazakhstan, there have been efforts by pro-Moscow elements to overthrow the government. It is entirely appropriate that the governments of the region deal with such threats. However, it is one thing to campaign against armed insurgents. It is quite another to use the insurgency as an ex-

cuse to suspend international law and crack down on the legal political opposition. Unfortunately, in some instances, that is what has been done.

H. Con. Res. 397 speaks to the very real abuses that have occurred in each of the Central Asian Republics, and puts these nations on alert that the House of Representatives is deeply concerned about the ongoing abuses of power. The resolution urges the Nations to come into compliance with their OSCE commitments and calls upon the President and the Secretary of State to raise human rights concerns when meeting with representatives of these governments.

Again, this Member congratulates the resolution's author, the distinguished gentleman from New Jersey (Mr. SMITH), for holding hearings on this subject as a part of his efforts and introducing the resolution. The language he has crafted accurately reflects the serious democratic shortcomings throughout the region.

This Member appreciates the willingness of his staff to work with the Subcommittee on Asia and the Pacific to craft a resolution that all in this body can support.

Mr. Speaker, I urge support for H. Con. Res. 397.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER), the distinguished member of the Subcommittee on Asia and the Pacific.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H. Con. Res. 347. Let me just say that it is sad that we must recognize today the chaos and turmoil that is found in Central Asia, the chaos, the turmoil, the repression, the dictatorship, the heartache, the torture, the things that could have been avoided, in a part of a world that showed such promise, such promise 10 years ago.

Upon the fall of the Soviet Union, everyone expected Central Asia to emerge as a shining light of commerce and progress. Instead, what we see is Central Asia falling into a pit, a dark pit of repression and despair.

I believe one of the primary reasons for this huge part of the world falling into despair has something to do with the policies right here in Washington, D.C. The Clinton administration has, more than any other administration in the history of this country, lowered the priority for human rights as an international goal.

During the Ronald Reagan years, when we were in the middle of a Cold War, Ronald Reagan made human rights a priority. We established the National Endowment for Democracy. We talked about it. We negotiated about it. It became preeminent among our demands when we were talking to

the governments like that of the Soviet Union.

It worked. Because we stressed human rights and democracy, the world has a much greater chance for freedom and democracy but also a much greater chance for peace.

Unfortunately, that great gift to mankind was squandered by this administration which, as I say, not only made human rights not a priority, but just took it off the list of which we were negotiating, especially with the Communist Chinese.

What has this lack of priority, what has this lack of concern for human rights done in Central Asia? We have seen these regimes in Kazakhstan, Azerbaijan, Uzbekistan, Turkmenistan, Tajikistan and others which had such promise turn into a cesspool of repression and torture.

We have seen election fraud in countries like Uzbekistan where they had such a great chance, a great opportunity to have free elections. In Azerbaijan, military takeovers of a democratically elected regime. In Kazakhstan and Turkmenistan and Tajikistan, countries that had a chance, the ruling elite there just turned their back on this opportunity. Why? Because this administration did not place any priority or value on the discussion of human rights or democracy when they met with the leaders of these countries.

Well, there can be no peace without freedom and human rights. That is what we are finding today. Because what has happened now in Central Asia is there has been a new cycle of violence that has been set on its way, a cycle of violence that we do not know where it will stop. A cycle of violence in Uzbekistan and Turkmenistan and Tajikistan and, yes, in Azerbaijan as well where they have been unable to settle their problems there and which will probably reach Kazakhstan with their corrupt government.

What is that cycle of violence? What we have is people who are demoralized by the fact that there is no democratic alternative in these Central Asian republics turning to radicalism. This year and at this time the face of radicalism is Muslim extremism, the fundamentalist movement, what they call it in that part of the world.

Well, of course, decent, honest, people will turn to these radical alternatives if they are given no alternative at the ballot box, if their friends and relatives or their sons and daughters are arrested and brutally tortured for simply complaining about the government. Of course, Islamic fundamentalists are going to find that their ranks are bolstered with volunteers when they have governments like this.

On top of that, there is one other factor that needs to be looked at about what is creating the cycle of violence which will lead to such turmoil. That is what? American policy towards Afghanistan.

This Member, and anyone who is in the Committee on International Relations will testify, for years I have been warning what the results of this administration's policy towards Afghanistan would be. Years, I predicted over and over again that, unless we did something in Afghanistan to change the situation, that we would end up with Afghanistan as a center of, number one, terrorism, a base for terrorism for the Central Asia but also for the world; that it would be repressive and have one of the most repressive and fanatic regimes and anti-Western regimes on the planet; and, number three, it would be the center for the growth of heroin and that it would put all of the resources that, the billions of dollars one receives from the growth of one-third of the world's heroin in the hands of these religious fanatics. That is exactly what has happened.

Yes, it is heroin money in the hands of the Taliban leaders that are fanning this, the flame of discontent and violence in Central Asia that takes advantage of the dictatorships. The dictators should not just focus, however, on trying to wipe out their opponents and wipe out these fundamentalist movements. They should focus on trying to create a democratic alternative so that people in those countries once be attracted to this type of fanaticism.

Even the people of Afghanistan are not attracted to the fanaticism of the Taliban. The Taliban have an iron-fisted control there and have steadily refused to have democratic elections.

It is my sad, sad duty to, again, repeat the charge on the floor of the House of Representatives, as I have on numerous occasions in the Committee on International Relations, that this administration, not only has discarded human rights and democracy as a priority but has a covert police of supporting one of the worst governments and oppressive governments in the world; and I am talking about the Taliban regime in Afghanistan.

I have tried to investigate this for years, and I have been repeatedly cut off by the State Department from receiving the documents that would disprove, and I would like to disprove this charge, because it is a shame for any American to think that our government would be supporting this regime.

But I can testify here today that, every time the opposition to the Taliban has had a chance of dislodging the Taliban from power in Afghanistan, this administration has run to their rescue time and time again.

Now, people do not know, even in this body, do not know the details, much less the American people. But those are the facts, and I can verify that over and over again.

We must have a policy that champions human rights and democracy in Afghanistan and Central Asia. This is what will bring peace to the world. Otherwise, there will be conflict, there will be bloodshed, there will be tyranny. It is a result of a lack of commit-

ment here on our part in the United States to the ideals that our Founding Fathers thought we would support.

So today I support H. Con. Res. 397 because it states very clearly that we in Congress believe that the ideals of democracy and human rights should be brought to bear in Central Asia, including Afghanistan, but especially the Central Asian republics, and that that should be the policy of the United States Government.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. ROHRBACHER) for his eloquent statement. I do urge support, again, for H. Con. Res. 397.

As I close my comments, I want to recognize the gentleman from Nebraska (Mr. BARRETT), who is presiding, who has been presiding over so many sessions and Suspension Calendars over the years. He has given 10 years of distinguished service to this body and to our State. I will have a chance to say more about that later this week. But in the course of doing that, he has presided over many suspensions from the House Committee on International Relations. So we thank him for his patience and his evenhandedness in that capacity and the many hours he has spent in presiding over this body.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of H. Con. Res. 397, a resolution voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial non-compliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

I would like especially to draw the attention of my colleagues to the section of the resolution dealing with Kazakhstan. This oil rich country is riddled with corruption, and its dictator, President Nursultan Nazarbayev, has become increasingly repressive and appears determined to leave no stone unturned in his quest to silence the press, eliminate the opposition parties, and plunder every dime of profit that the country has earned from its oil and mineral wealth.

Mr. Nazarbayev is reportedly the eighth richest person in the world; yet more than one-third of the population of Kazakhstan are below the poverty line as defined by the World Bank. The German-based organization, Transparency International, recently surveyed corruption in 96 countries and rated Kazakhstan as the 12th most corrupt country in that group. Moreover, the U.S. Department of Justice recently launched an investigation into bribes allegedly paid by U.S. oil companies to President Nazarbayev and his cronies.

But even worse than the corruption is the attempt by Nazarbayev to snuff out every vestige of democracy and freedom of expression in Kazakhstan. In January 1999, he called a snap presidential election and ensured his own re-election by having his main opponent, former Prime Minister Akezhan Kazhegeldin, disqualified and driven into exile. Both this election and the parliamentary elections that followed in October 1999 were denounced as unfair by the OSCE. To make sure that these

and other anti-democratic actions are not criticized, the Nazarbayev regime has virtually silenced the independent media by intimidation, arrests and seizure of presses.

In an effort to reverse the repressive trend in Kazakhstan, H. Con. Res. 397 calls upon the government of Kazakhstan and other governments in Central Asia to engage in a serious and comprehensive "national dialogue" with opposition and independent forces, "on an equal footing, on institutionalizing measures to hold free and fair elections," Last December, former Prime Minister Kazhegeldin of Kazakhstan proposed a detailed vision of what a "national dialogue" should entail, and it serves as a model for all of Central Asia.

Mr. Speaker, I strongly support H. Con. Res. 397 and urge its adoption. The resolution forthrightly exposes the trends of increasing repression in Central Asia and proposes a solution in the form of a genuine "national dialogue" between the governments of the region and the opposition political parties and independent organizations that speak for the peoples of Central Asia. This is a wonderful message of hope and support for this House to send as it winds up its work in the 106th Congress.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 397, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

ACKNOWLEDGING AND SALUTING CONTRIBUTIONS OF COIN COLLECTORS

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 154) to acknowledge and salute the contributions of coin collectors.

The Clerk read as follows:

S. CON. RES. 154

Whereas in 1982, after a period of 28 years, the Congress of the United States resumed the United States commemorative coin programs;

Whereas since 1982, 37 of the Nation's worthy institutions, organizations, foundations, and programs have been commemorated under the coin programs;

Whereas since 1982, the Nation's coin collectors have purchased nearly 49,000,000 commemorative coins that have yielded nearly \$1,800,000,000 in revenue and more than \$407,000,000 in surcharges benefitting a variety of deserving causes;

Whereas the United States Capitol has benefitted from the commemorative coin surcharges that have supported such commendable projects as the restoration of the Statue

of Freedom atop the Capitol dome, the furtherance of the development of the United States Capitol Visitor Center, and the planned National Garden at the United States Botanic Gardens on the Capitol grounds;

Whereas surcharges from the year 2000 coin program commemorating the Library of Congress bicentennial benefit the Library of Congress bicentennial programs, educational outreach activities (including schools and libraries), and other activities of the Library of Congress; and

Whereas the United States Capitol Visitor Center commemorative coin program will commence in January 2001, with the surcharges designated to further benefit the Capitol Visitor Center: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States acknowledges and salutes the ongoing generosity, loyalty, and significant role that coin collectors have played in supporting our Nation's meritorious charitable organizations, foundations, institutions, and programs, including the United States Capitol, the Library of Congress, and the United States Botanic Gardens.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS)

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material concerning Senate Concurrent Resolution 154.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

The resolution before us today, Mr. Speaker, recognizes one of the truly unsung contributions made in this country, that of thousands of coin collectors who buy commemorative coins issued by the United States Mint. Senator LOTT introduced this resolution in the Senate, and it was passed on the Senate floor last week on October 23.

This resolution acknowledges and salutes the ongoing generosity, loyalty, and significant role that coin collectors have played in supporting our Nation's charitable organizations, foundations, institutions, and programs. While coin collecting has been a hobby for many years, collecting commemorative coins is a little different. The coins are issued in a limited quantity, and they have surcharges that make the cost much more than the face value of the coins.

The coin community has been very supportive and generous in buying commemorative coins during the last 20 years, a period of significant change for the commemorative coin program. Since 1982, when Congress resumed the commemorative coin program, which was after a 28-year break, 37 commemorative coins have been authorized.

In addition to the honor given to the recipients and the educational value of these coins, they have also raised more than \$400 million for a variety of charitable organizations and other worthy causes. That is \$407 million to be exact. Our Nation's coin collectors and coin dealers have been essential to the success of these programs. They have purchased nearly 49 million commemorative coins, which has yielded \$1.8 billion in revenue and, as I mentioned, \$407 million in contributions to very deserving causes.

This resolution recognizes the accomplishments and the contributions of the commemorative coin community and gives them the recognition that they deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. BENTSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise today in support of S. Con. Res. 154. Over the last few years, Congress has passed bipartisan legislation to mint several commemorative coins, the proceeds of which have gone to a number of important organizations and projects that benefit communities across America.

Commemorative coins, which are available directly from the United States Mint, are generally approved by members of the Citizens Commemorative Coin Advisory Committee. This committee was established by the 102nd Congress for the purpose of recommending, with input from the public and coin collectors, the events, persons or places that are appropriate for commemoration through congressionally mandated coins. Commemorative coins typically celebrate and honor people, places, events, and institutions.

It is fitting for Congress to honor the Nation's coin collectors, because it is largely they who purchase commemorative coins. By doing so, coin collectors ensure our national heritage, as reflected in our coins, is preserved and valued by our citizens. In addition, funds raised from commemorative coin surcharges have funded important projects that are near and dear to every Member that serves and has served in this institution. These include restoration of the Statue of Freedom on top of our Capitol Dome, the Library of Congress's bicentennial programs, the upcoming U.S. Capitol Visitor Center, and many others.

In short, Mr. Speaker, these commemorative coins pay for themselves and, in the process, pay for important projects that would otherwise be funded with taxpayers' money. We therefore thank our Nation's coin collectors through this resolution and honor their devotion to their hobby, one that certainly benefits all Americans.

Mr. Speaker, I strongly support this resolution and urge its immediate passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BENTSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 154.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

RECOGNITION OF THE BIRMINGHAM PLEDGE

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the joint resolution (House Joint Resolution 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the resolving clause and insert:

That—

(1) Congress recognizes that the Birmingham Pledge is a significant contribution toward fostering racial harmony and reconciliation in the United States and around the world;

(2) Congress commends the creators, promoters, and signatories of the Birmingham Pledge for the steps they are taking to make the United States and the world a better place for all people; and

(3) it is the sense of Congress that a particular week should be designated as "National Birmingham Pledge Week".

Strike out the preamble and insert:

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

"I believe that every person has worth as an individual.

"I believe that every person is entitled to dignity and respect, regardless of race or color.

"I believe that every thought and every act of racial prejudice is harmful; if it is in my

thought or act, then it is harmful to me as well as to others.

"Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

"I will discourage racial prejudice by others at every opportunity.

"I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort."

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors, State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is "Sign It, Live It", is a powerful tool for facilitating dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 102.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 14, my colleague, the gentleman from Alabama (Mr. HILLIARD), and I introduced the National Birmingham Pledge Resolution. The resolution has over 100 cosponsors, a bipartisan group, and it passed the House on quite an overwhelming vote on September 12. It went over to the Senate; the Senate made one small change in the wording and passed it last week.

The resolution recognizes that personal efforts to address racism will contribute significantly in fostering racial harmony. Individuals can, by their actions, make a difference. Anyone who has seen the new movie, "Pay It Forward," knows that one person, by their efforts, can make a difference in the world.

The resolution additionally recognizes that the Birmingham Pledge is making a significant contribution in fostering racial harmony. It commends those involved in the creation of the Pledge, including Jim Rotch, who authored the Pledge, and those who have signed it. It expresses the sense of Congress that a National Birmingham Pledge week should be established.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Birmingham Pledge recognizes the role that each of us can play in advancing the cause of racial harmony and tolerance in our society. Birmingham occupies an important place in the history of civil rights in America. At one time, when we thought of Birmingham, what came to mind were police dogs, fire hoses, racial strife, and Dr. Martin Luther King's letter from a Birmingham jail.

Given the history of Birmingham and the great strides made by that community since the outburst of racial violence in the 1960s, it is all together appropriate that this Congress acknowledge the contributions of those who have played a role in creating and promoting the Pledge. The Birmingham Pledge was authored by Birmingham attorney James Rotch and has been promoted by a cross-section of the Birmingham community.

I would like to particularly take note of the leadership played by the gentleman from Alabama (Mr. BACHUS) and the gentleman from Alabama (Mr. HILLIARD), who introduced the measure in the House and helped shepherd its passage.

To date, I understand that more than 70,000 individuals have taken the Birmingham Pledge, including the President, First Lady, and numerous elected officials and civil rights leaders. It is through small steps like these that we can combat discrimination and increase racial tolerance.

I commend the citizens of Birmingham who have crafted the Birmingham Pledge to create more positive associations with Birmingham and civil rights, and I urge my colleagues to accept the Senate amendments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

In considering this resolution, we should all keep in mind one thing, and that is that we are not born with prejudice or bigotry. These are things that are learned. In fact, psychologists call it learned behavior. By word or by action we teach our children daily. We teach them to either be tolerant or to be intolerant; to have prejudices and biases against other people because of their race, their origin, or not to be. We teach them these things many times, even before they are old enough to choose for themselves. We can teach our children to love, or we can teach

our children to hate. Intolerance is learned; therefore it can be unlearned.

The Pledge can be a part of that process. This is the message we want to send Americans today about race relations. Each of us needs to take personal responsibility to conduct ourselves in a way that will achieve greater racial harmony in our own communities.

It has been said that events in Birmingham during the early 1960s, and my colleague from Virginia referred to some of those, stirred the conscience of the Nation and influenced the course of civil rights in the world. I know of no other city that has worked harder to overcome its missteps and its mistakes than my native city, Birmingham.

My colleague, the gentleman from Alabama (Mr. HILLIARD), when this resolution came up before, said that there has been a real positive change in race relations in Birmingham other than the past 40 years. He and I are both natives of Birmingham, and we are proud of the progress that our city has made. The Birmingham that has emerged is one built on a foundation of racial sensitivity and strength and diversity. Today's Birmingham is dedicated not only to preserving the history of its struggle but, more importantly, to ending racial intolerance, bigotry, and prejudice, not only in Birmingham but around the world. That is why this effort is being made by Birmingham civic groups and educational groups.

Mr. Speaker, by passing House Resolution 102, the House will again be showing its support for their commendable effort.

Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for his support and his kind remarks. He has been a sponsor of this bill since the very beginning. In closing, I urge all my colleagues to support this worthy resolution.

Mr. HILLIARD. Mr. Speaker, I am joining with SPENCER BACHUS in presenting this Resolution taking the Birmingham Pledge nationwide.

I was blessed to be a footsoldier in the civil rights movement, the greatest freedom struggle of our times, and it has shaped my life and my public service.

Racism is the cancer that has eaten at the heart of this nation since before it was founded, and has defined much of our history.

Birmingham, and the State of Alabama, which are my home city and state, have been in the past among the most guilty of this monstrous crime, and Birmingham is now among the most progressive in combating it.

This pledge, written by the people of Birmingham, should be taken to heart by every American.

Let every American sign it; let every American live by it.

THE BIRMINGHAM PLEDGE

I believe that a person has worth as an individual.

I believe that every person is entitled to dignity and respect, regardless of race or color.

I believe that every thought and every act of racial prejudice is harmful; if it is my

thought or act, then it is harmful to me as well as to others.

Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

I will discourage racial prejudice by others at every opportunity.

I will treat all people with dignity and respect; and I will strive daily to honor this pledge, knowing that the world will be a better place because of my effort.

Mr. BACHUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendments to the joint resolution, House Joint Resolution 102.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

□ 1530

PROTECTING SENIORS FROM FRAUD ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3164) to protect seniors from fraud.

The Clerk read as follows:

S. 3164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Seniors From Fraud Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Older Americans are among the most rapidly growing segments of our society.

(2) Our Nation's elderly are too frequently the victims of violent crime, property crime, and consumer and telemarketing fraud.

(3) The elderly are often targeted and re-targeted in a range of fraudulent schemes.

(4) The TRIAD program, originally sponsored by the National Sheriffs' Association, International Association of Chiefs of Police, and the American Association of Retired Persons unites sheriffs, police chiefs, senior volunteers, elder care providers, families, and seniors to reduce the criminal victimization of the elderly.

(5) Congress should continue to support TRIAD and similar community partnerships that improve the safety and quality of life for millions of senior citizens.

(6) There are few other community-based efforts that forge partnerships to coordinate criminal justice and social service resources to improve the safety and security of the elderly.

(7) According to the National Consumers League, telemarketing fraud costs consumers nearly \$40,000,000,000 each year.

(8) Senior citizens are often the target of telemarketing fraud.

(9) Fraudulent telemarketers compile the names of consumers who are potentially vulnerable to telemarketing fraud into the so-called "mooch lists".

(10) It is estimated that 56 percent of the names on such "mooch lists" are individuals age 50 or older.

(11) The Federal Bureau of Investigation and the Federal Trade Commission have pro-

vided resources to assist private-sector organizations to operate outreach programs to warn senior citizens whose names appear on confiscated "mooch lists".

(12) The Administration on Aging was formed, in part, to provide senior citizens with the resources, information, and assistance their special circumstances require.

(13) The Administration on Aging has a system in place to inform senior citizens of the dangers of telemarketing fraud.

(14) Senior citizens need to be warned of the dangers of telemarketing fraud before they become victims of such fraud.

SEC. 3. SENIOR FRAUD PREVENTION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General \$1,000,000 for each of the fiscal years 2001 through 2005 for programs for the National Association of TRIAD.

(b) COMPTROLLER GENERAL.—The Comptroller General of the United States shall submit to Congress a report on the effectiveness of the TRIAD program 180 days prior to the expiration of the authorization under this Act, including an analysis of TRIAD programs and activities; identification of impediments to the establishment of TRIADS across the Nation; and recommendations to improve the effectiveness of the TRIAD program.

SEC. 4. DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary of Health and Human Services for Aging, shall provide to the Attorney General of each State and publicly disseminate in each State, including dissemination to area agencies on aging, information designed to educate senior citizens and raise awareness about the dangers of fraud, including telemarketing and sweepstakes fraud.

(b) INFORMATION.—In carrying out subsection (a), the Secretary shall—

(1) inform senior citizens of the prevalence of telemarketing and sweepstakes fraud targeted against them;

(2) inform senior citizens how telemarketing and sweepstakes fraud work;

(3) inform senior citizens how to identify telemarketing and sweepstakes fraud;

(4) inform senior citizens how to protect themselves against telemarketing and sweepstakes fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

(5) inform senior citizens how to report suspected attempts at or acts of fraud;

(6) inform senior citizens of their consumer protection rights under Federal law; and

(7) provide such other information as the Secretary considers necessary to protect senior citizens against fraudulent telemarketing and sweepstakes promotions.

(c) MEANS OF DISSEMINATION.—The Secretary shall determine the means to disseminate information under this section. In making such determination, the Secretary shall consider—

(1) public service announcements;

(2) a printed manual or pamphlet;

(3) an Internet website;

(4) direct mailings; and

(5) telephone outreach to individuals whose names appear on so-called "mooch lists" confiscated from fraudulent marketers.

(d) PRIORITY.—In disseminating information under this section, the Secretary shall give priority to areas with high incidents of fraud against senior citizens.

SEC. 5. STUDY OF CRIMES AGAINST SENIORS.

(a) IN GENERAL.—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

(b) ISSUES ADDRESSED.—The study conducted under this section shall include an analysis of—

(1) the nature and type of crimes perpetrated against seniors, with special focus on—

(A) the most common types of crimes that affect seniors;

(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors; and

(C) the nature and extent of financial and material fraud targeted at seniors;

(2) the risk factors associated with seniors who have been victimized;

(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

(6) other effective ways to prevent or reduce the occurrence of crimes against seniors.

SEC. 6. INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY.

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors;

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

SEC. 7. STATE AND LOCAL GOVERNMENT OUTREACH.

It is the sense of Congress that State and local governments should fully incorporate fraud avoidance information and programs into programs that provide assistance to the aging.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 3164.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is Senate bill 3164, titled "Protecting Seniors From Fraud Act." It was introduced by Senators EVAN BAYH and ROD GRAMS and passed the other body unanimously on October 25.

The bill will provide funding to local programs that are a part of the National Association of TRIADs, a community policing program that partners

law enforcement agencies with senior citizen volunteers to help reduce fraud and other crime especially against the elderly. There are 725 countries with TRIADs nationwide which help more than 16 million of our seniors.

Mr. Speaker, American seniors are disproportionately victims of telemarketing and sweepstakes fraud. Even though Americans over the age of 50 account for only 27 percent of the United States population, they comprise 56 percent of the so-called "mooch lists" used by fraudulent telemarketers. Unfortunately, fraudulent telemarketers prey upon trusting seniors who by their nature are often trusting and compassionate individuals.

As a result, seniors in our country lose approximately \$14.8 billion, that is almost \$15 billion, every year to fraudulent telemarketers.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3164, the Protecting Seniors From Fraud Act. I would have preferred to have seen the bill developed through the normal legislative process of hearings and markups at the committee level so that we could have judged more fully the need that we are seeking to address. However, I am prepared to support the bill since its primary function is to reauthorize funding for the TRIAD program, a proven community policing program that partners law enforcement agencies with senior volunteers to reduce crime and fraud amongst the elderly. The TRIAD program operates in 47 States and 725 counties and assists over 16 million seniors nationwide.

The bill also creates a clearinghouse for information to educate seniors about the dangers of fraud, including telemarketing and sweepstakes fraud. It requires the U.S. Attorney General to conduct a study of crimes against seniors.

The bill requires the inclusion of seniors in the National Crime Victims Survey, and it encourages State and local governments to fully incorporate fraud avoidance information in their aging services programs.

Seniors are often the target of telemarketing and sweepstakes fraud. There are over 140,000 telemarketing firms operating in the United States. The AARP estimates that about 10 percent of them, fully 14,000 firms, use fraudulent practices.

The FBI estimates that consumers lose about \$40 billion a year to telemarketing fraud. The AARP estimates that while seniors make up about 27 percent of the United States population, they incur about 37 percent of the \$40 billion loss.

Despite considerable efforts to address these issues in recent years, many seniors are still not aware of these problems and of their rights and protections against them. According to

the AARP, Americans over 65 are the least likely to know about Federal protections from fraud.

Adopting this bill will allow us to continue the partnerships and cooperative efforts with seniors and with State and local governments to prevent and address senior fraud.

I want to thank the gentleman from Alabama (Mr. BACHUS) for his leadership on this bill. I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the crimes that the gentleman from Virginia (Mr. SCOTT) spoke about, these crimes which cost our elderly citizens \$15 billion a year, many of them can be prevented if seniors are educated about their consumer rights and if they are informed about methods available to them to confirm the legitimacy of an investment or product offered to them over the telephone.

According to a national survey, 70 percent of older fraud victims say it is difficult for them to identify when fraud is happening. Forty percent of older Americans say that they have difficulty distinguishing between a legitimate and a fraudulent telemarketing sales call.

There is definitely a need to educate seniors about the dangers of fraud and how to avoid becoming a victim of fraud, and that is what this legislation attempts to do. It addresses this problem by authorizing a million dollars each year for 5 years to ensure the continuation of programs which try to educate seniors.

The bill also requires the Secretary of Health and Human Services to disseminate information to seniors on fraud prevention through the area agencies on aging and other existing senior-focused programs.

The bill continues a provision which would require the statistics concerning crime committed against seniors be included in the Annual Crime Victims Survey performed by the Department of Justice and would also require the Attorney General to conduct a specific study of crimes committed against seniors.

In conclusion, let me say that protecting seniors from fraud is of great importance to all of us. Our senior population continues to grow as our population ages and more seniors are saving money for their retirement, and anything this body can do to help them protect their retirement income and retirement money is important.

Our seniors deserve to know about those who would defraud them, and this program will help inform them of various schemes and devices used to defraud them. It has the strong support of the law enforcement community, bipartisan support.

I urge all my colleagues to support this bipartisan legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the Senate bill, S. 3164.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

WAIVING CONGRESSIONAL REVIEW OF CHILD IN NEED OF PROTECTION AMENDMENT ACT OF 2000

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5537) to waive the period of congressional review of the Child in Need of Protection Amendment Act of 2000.

The Clerk read as follows:

H.R. 5537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD.

Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1-233(c)(1), D.C. Code), the Child in Need of Protection Amendment Act of 2000 (D.C. Bill 13-796) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5537.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5537, a bill to waive the period of congressional review of the Child in Need of Protection Amendment Act of 2000.

The legislation will waive the 30-day congressional review period for the District of Columbia bill 13-796, the Child in Need of Protection Amendment Act of 2000, a critical bill which will have a direct impact on the D.C. Child and Family Services Agency and the children in its care.

Ordinarily, the congressional review period is required under the D.C. Home Rule Act before any D.C. legislation can be enacted. However, due to the CFSA crisis, it is imperative that H.R. 5537 pass in order to protect the Child in Need of Protection Amendment Act of 2000 to take effect on the day it is enacted by the City or on the day that H.R. 5537 is enacted, whichever is later.

CFSA has languished in receivership for 5 years. Even under direction of its second court-appointed receiver, CFSA has continued to demonstrate extreme deficiencies in the delivery of expected service. In fact, one child, Brianna Blackmond, died when she was returned to her neglectful mother. This was a tragic death which may have been avoided if CFSA had provided the court with all of the relevant information regarding Brianna's home environment.

As a result, this year the Subcommittee on the District of Columbia held two hearings regarding this receivership. We heard promises about CFSA's court appointed reform efforts, which are required so that the agency can function efficiently and return to the District of Columbia Government.

Unfortunately, the operational breakdowns at CFSA have continued and the receivership has not delivered on their promises.

At our second hearing, in September, the subcommittee called on all parties involved in this situation: CFSA, the plaintiffs, the court system, and the District Government to come together to create and implement an emergency plan to reform CFSA and the receivership. The City's legislation will accomplish just that.

The Child in Need of Protection Amendment Act of 2000 will reorganize CFSA as a separate and distinct agency with personnel authority. The legislation ends the bifurcation of the abuse and neglect system to provide better care and protection for the children. It also includes provisions to limit the amount of time that a child is required to spend in foster care, to provide financial support for neighborhood-based family support services to at-risk families, to amend the confidentiality provisions to allow foster and adoptive parents greater access to information about the needs of a child, streamline the court process, and provide more placement options for children who cannot return home.

I would like to thank the gentleman from Texas (Mr. DELAY), the majority whip, for his involvement and assistance with the Child and Family Services Agency crisis in the District. As a foster parent himself, the gentleman from Texas (Mr. DELAY) has a strong personal interest in helping and protecting abused and neglected children in the child welfare system. His leadership has helped the City obtain the necessary resources to make informed decisions about the organizational reforms needed at CFSA in order to comply with the court orders and return the agency to the District Government.

I also want to thank my colleague, the gentlewoman from the District of Columbia (Ms. NORTON), for her leadership and support as we have examined the progress of this agency as well as the other D.C. agencies under receivership.

With the District's most vulnerable and underrepresented voices in dire

need of our assistance, we must let them know that help is on the way by working together to institute the best course of action needed to correct CFSA's systematic inadequacies. Therefore, I urge all of my colleagues to join me in support of H.R. 5537.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5537, a bill to waive the period of congressional review of the Child in Need of Protection Amendment Act of 2000. This noncontroversial legislation is necessary to ensure the District of Columbia's swift compliance with the consent order to return the Child and Family Services Agency now in receivership to the District Government.

The District of Columbia Home Rule Act requires that all civil legislation passed by the Council and signed by the Mayor undergo congressional review for 30 legislative days before taking effect. H.R. 5537 merely waives this requirement for legislation that will be passed shortly by the D.C. City Council to restructure the District's Child and Family Services Agency.

Earlier this year an infant, Brianna Blackmond, was found dead after being returned to her mother's care. The decision to return Brianna to her mother was criticized because her mother had previously been found in neglect of Brianna and her seven siblings.

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The tragic death of baby Brianna prompted the Subcommittee on the District of Columbia to hold two hearings examining the District's Child and Family Services Agency and to pass legislation, now on its way to the President for his signature, requiring receiverships to adhere to best practices and cost controls. H.R. 5537 is a continuation of congressional efforts to assist the District government in its efforts to reform the District's foster care system.

The Child and Family Services Agency has been under court receivership since 1995 because of serious failings in the delivery of child welfare services. However, despite court control, fiscal and management problems persist in the agency, necessitating a return of the agency to the control of the District government. The recent consent order returning the agency to the District requires the city to pass legislation that restructures its processes for delivery of child welfare services. H.R. 5537 will ensure that the District's legislation will take effect upon passage without any congressional delay.

H.R. 5537 has the support of the city's elected representation to this Congress, the gentlewoman from the District of Columbia (Ms. NORTON), and the District of Columbia government. I urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I urge adoption of this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5537.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JAMESTOWN 400TH COMMEMORATION COMMISSION ACT OF 2000

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4907) to establish the Jamestown 400th Commemoration Commission, and for other purposes.

The Clerk read as follows:

H.R. 4907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jamestown 400th Commemoration Commission Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

(C) planning for the commemoration began.

(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the State of Virginia;

(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

(5) provide assistance to the development of Jamestown-related programs and activities;

(6) facilitate international involvement in the Jamestown 2007 observances;

(7) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; and

(8) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) **COMMEMORATION.**—The term “commemoration” means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(2) **COMMISSION.**—The term “Commission” means the Jamestown 400th Commemoration Commission established by section 4(a).

(3) **GOVERNOR.**—The term “Governor” means the Governor of the State.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—

(A) **IN GENERAL.**—The term “State” means the State of Virginia.

(B) **INCLUSIONS.**—The term “State” includes agencies and entities of the State.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

(a) **IN GENERAL.**—There is established a commission to be known as the “Jamestown 400th Commemoration Commission”.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commission shall be composed of 16 members, of whom—

(A) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

(B) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(C) 2 members shall be employees of the National Park Service, of which—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

(D) 5 members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

(2) **TERM; VACANCIES.**—

(A) **TERM.**—A member of the Commission shall be appointed for the life of the Commission.

(B) **VACANCIES.**—

(i) **IN GENERAL.**—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) **PARTIAL TERM.**—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) **MEETINGS.**—

(A) **IN GENERAL.**—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of

the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) **VOTING.**—

(A) **IN GENERAL.**—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) **QUORUM.**—A majority of the Commission shall constitute a quorum.

(5) **CHAIRPERSON.**—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related activities throughout the United States;

(C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) **PLANS; REPORTS.**—

(A) **STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.**—In accordance with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), the Commission shall prepare a strategic plan and annual performance plans for the activities of the Commission carried out under this Act.

(B) **FINAL REPORT.**—Not later than September 30, 2008, the Commission shall complete a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) **POWERS OF THE COMMISSION.**—The Commission may—

(1) accept donations and make disbursements of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed \$10,000 to communities and nonprofit organizations to develop programs to assist in the commemoration;

(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) **COMMISSION PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS OF THE COMMISSION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) **FEDERAL EMPLOYEES.**—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) **STAFF.**—

(A) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by the Commission.

(3) **COMPENSATION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) **MAXIMUM RATE OF PAY.**—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) **DETAIL OF GOVERNMENT EMPLOYEES.**—

(A) **FEDERAL EMPLOYEES.**—

(i) **IN GENERAL.**—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) **CIVIL SERVICE STATUS.**—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) **STATE EMPLOYEES.**—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) **VOLUNTEER AND UNCOMPENSATED SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) **SUPPORT SERVICES.**—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the

daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4907, the Jamestown 400th Commemoration Commission Act of 2000. 2007 marks the 400th anniversary of the founding of Jamestown, the first permanent English settlement in America. This legislation will establish a Federal commission to complement Virginia's preparations for the upcoming anniversary and help make this a truly national event.

The late Herb Bateman originally introduced H.R. 4907, the House companion bill, with enthusiastic support from the Virginia congressional delegation. The bill was of particular importance to Mr. Bateman because Jamestown is located in Virginia's First Congressional District which he represented or, as he preferred to call it, "America's First District." Passing H.R. 4907 is a final opportunity for us to honor the memory of Herb Bateman.

In 1607, Jamestown started as a struggling settlement but eventually became the first capital of Virginia and the birthplace of representative democracy. Its settlers left a legacy of language, customs and common law which remain with us to this day. Native Americans, Europeans, predominantly English, and Africans all played vital roles in forming this early settlement.

Since at least 1807, Jamestown's founding has been celebrated every 50 years. The Federal commission that would be created by H.R. 4907 is modeled after the commissions established for past Jamestown anniversary festivities. The 15-member commission will be appointed by the Secretary of

the Interior and will terminate in 2008. The proposed commission will play a similar role to help coordinate events, activities, fund-raising, and capital improvements by partners on the Federal, State, and local levels, and in the private sector. It will bring national and international attention to this pivotal event in our Nation's history, and it will promote scholarly research and publications. The commission will help ensure that all people who were living in 17th century Jamestown are represented in the celebration.

The 400th anniversary celebration will include reconstructions of the Jamestown fort, a Native American village, and the English settlers' three ships which have been rebuilt to reflect current research. The 2007 commemoration will include also exhibitions highlighting exciting new archaeological, historical and scientific findings made by the Association for the Preservation of Virginia Antiquities and the National Park Service, including the original 1607 fort. These organizations are now jointly planning a revitalization of Jamestown Island to provide a more engaging experience for visitors and an increased appreciation for their irreplaceable museum collections.

The upcoming 400th anniversary of the Jamestown settlement is an event of historic importance that deserves national attention and commemoration. I urge all my colleagues to join me in supporting this legislation and honoring the memory of our late colleague, Herb Bateman.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in June 1606, King James I granted a charter to a group of London entrepreneurs, the Virginia Company, to establish a satellite English settlement in the Chesapeake region of North America. By December, 108 settlers sailed from London instructed to settle in Virginia, find gold and a water route to the Orient.

On May 14, 1607, the Virginia Company explorers landed on Jamestown Island, founding the first permanent English settlement in America. The first representative assembly in the new world convened in the Jamestown church on July 30, 1619. The general assembly met in response to orders from the Virginia Company to, quote, "establish one equal and uniform government over all Virginia."

The other crucial event that would play a role in the development of America was the arrival of Africans to Jamestown. A Dutch slave trader exchanged his cargo of Africans for food in 1619 and thus began the presence of Africans in Jamestown. The celebration in 2007 of the 400th anniversary of the landing at Jamestown will involve coordination between many partners on the Federal, State and local level and with the private sector. In 1996, the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation

as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration.

H.R. 4907 establishes a Federal commission to assist in the coordination of the 400th anniversary commemoration of the landing of Jamestown. The purpose of the commission is to bring national and international attention to the significance of the landing of Jamestown and heightened interest in the early history of our Nation. The commission would help coordinate events, activities, fund-raising, and capital improvements related to the Jamestown 2007 anniversary. The commission will ensure that Jamestown 2007 observances are inclusive and, in addition to the English settlers, recognize the invaluable contributions of Native Americans and Africans to the development of Jamestown and this country.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of the measure sponsored by our departed friend and colleague, Herb Bateman, to establish a Federal commission to join the Commonwealth of Virginia in preparing for the 400th anniversary of the founding of Jamestown in Virginia.

Nearly 400 years ago, the English established the first permanent settlement in the present-day United States at Jamestown. The upcoming 400th anniversary in May 2007 affords all American citizens the opportunity to appreciate the adventurous spirit that led the early English settlers on a voyage to a new world in the hopes of finding mountains of gold. While the settlers failed to realize their dreams of gold, their struggles and sacrifices paved the way for the formation of a nation rich in racial and ethnic diversity and democratic ideals. In fact, Jamestown is commonly referred to as the birthplace of our Nation.

Clearly, Jamestown is significant not just in the history of the Commonwealth but to the Nation as a whole. Initially a fledgling settlement, Jamestown became the capital of Virginia and held the first representative legislative assembly in the Americas, known as the House of Burgesses. These early meetings of the House of Burgesses fostered the ideas of self-government and representative government which serve as the cornerstone of the United States Constitution. The legacy of Jamestown, however, is not limited to these democratic principles that we cherish. The legacy can also be viewed in terms of the common language and customs that remain with us today.

For that reason, a national commission is appropriate and necessary to complement the commemorative programs and activities undertaken by the Commonwealth of Virginia's Jamestown-Yorktown Foundation. The national commission will assist in the development of Jamestown-related programs and activities, support scholarly research and publications, facilitate marketing and fund-raising efforts, and further encourage heritage tourism. These activities will expand the understanding and appreciation of the significance of the founding and early history of Jamestown. It will also perpetuate the memory of the first permanent English-speaking settlers of Virginia and the United States.

Mr. CUMMINGS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. I thank the gentleman from Maryland for yielding me this time.

Mr. Speaker, I rise in support of H.R. 4907, legislation to establish the Jamestown 400th Commemoration Commission. Mr. Speaker, this bill was introduced by our late colleague, Herb Bateman, who represented Jamestown. Jamestown is located in the First Congressional District of Virginia, and since we are talking about Jamestown, I think it is appropriate to note that Herb always called his district America's first district.

This bill authorizes the Jamestown Commemoration Commission that will head up the preparations for the 400th anniversary of Jamestown, which will be celebrated in 2007. Jamestown was not only the first permanent English colony but it also became the first capital of Virginia. The first legislative assembly was held in Jamestown; and it was there that the idea of common law, common customs, and common language began and continues to this day.

Mr. Speaker, planning for the 400th anniversary has been under way for several years and establishment of a national commission will complement the ongoing State efforts as well as extend national and international significance to this historic anniversary. The State has been conducting roundtables throughout Virginia to get citizen input to design a statewide commemoration. Efforts are also being taken to continue the rebuilding of ships which brought the 1607 colonists and which were originally reconstructed for the 350th anniversary, as well as rebuilding the Jamestown fort and the Native American village.

Mr. Speaker, passage of this measure will ensure that the 400th anniversary of Jamestown is recognized at a national level for its historic significance and contributions to the founding of our country. It is also a fitting manner in which to honor our late colleague, Herb Bateman. Before yielding back the balance of my time, I want to commend the Members of the staff of Vir-

ginia's First Congressional District for their tireless efforts in making sure this bill moved forward. The constituents of the First Congressional District have been well represented by the staff since the untimely loss of Herb Bateman, and it is in large part because of their efforts that this bill is before us today.

Mr. Speaker, I urge the passage of this measure.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to recognize the work of particularly Dan Scandling, Herb Bateman's chief of staff, and Julie Newell, whom I know helped put this together, and the other staff members who put this together. This is a fitting legacy for Congressman Bateman who started this.

Mr. Speaker, I urge the adoption of this measure.

Mr. SISISKY. Mr. Speaker, I rise today on behalf of my late friend and colleague, Herb Bateman, to speak in support of legislation that was near and dear to his heart, H.R. 4907, legislation to establish a Federal commission to coordinate activities related to the 400th anniversary of the establishment of the colony at Jamestown.

Someone once said that a land without ruins is a land without memories, and a land without memories is a nation without history. Thanks to the National Park Service and the foresight of the people of Virginia, the memory and history of Jamestown are alive and well.

Jamestown is to the United States what the historical centers of Rome and Athens are to the people of Italy and Greece.

The Jamestown visitors center, the replicas of the ships that brought the colonists to the new world, and the Jamestown fort and native American village are more than just tourist destinations, they are symbols of our democracy and values.

Consider that Jamestown was Virginia's first capital and held the first legislative assembly, leaving a legacy of common law, customs and language that we rely on today.

This 400th anniversary commemoration, to take place in 2007, is probably as historically important to our Nation as the bicentennial celebration of 1976. The progress made in planning events for 2007, are due in no small measure to the people of Virginia.

They've held roundtables throughout the State to solicit input from every corner of the commonwealth, and they've worked in conjunction with the National Park Service to conduct archaeological, historical and scientific research.

Creating a national commission is the last piece of the puzzle which will ensure that the Jamestown commemoration becomes a truly national celebration.

I urge my colleagues to support this important resolution.

Mr. DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I urge the adoption of this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4907.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1600

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROSLEHTINEN) is recognized for 5 minutes.

(Ms. ROSLEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

(Mr. YOUNG of Alaska addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MILITARY RETIREE HEALTH CARE IN THE DEFENSE AUTHORIZATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

Mr. SHOWS. Mr. Speaker, today President Clinton is expected to sign the National Defense Authorization Act for fiscal year 2001. This will help promote a first-class military, and it is a great victory for our military retirees because it takes a giant step in correcting an injustice suffered by our military retirees and their families. The defense bill provides pharmacy benefits and extends TRICARE to retirees beyond age 65 as a supplement to Medicare, and fulfills the promise of lifetime health care to America's eldest military retirees.

Retirees joined the service with a promise of lifetime health care; but right now TRICARE, the military health care plan, ends at age 65. Unlike all other Federal retirees, military retirees get Medicare but nothing else if they cannot afford supplemental insurance; and many retirees under age 65 are not covered due to serious flaws in the TRICARE program.

To remedy this sad situation, last year the gentleman from Georgia (Mr. NORWOOD) and I and Senators TIM JOHNSON, JOHN MCCAIN, and our esteemed colleague, Paul Coverdell, introduced the Keep Our Promise to America's Military Retirees Act, H.R. 3573.

The Keep Our Promise Act united military retirees and families across the country. Their billboards, bumper stickers, e-mails, phone calls, and letters to newspapers and Congress have educated us to their plight. Their persistence gained the Promise Act 306 cosponsors in the House and 36 in the Senate.

We would not be celebrating historic improvements in military health care today without the grass roots support for the Shows-Norwood Keep Our Promise Act.

We should commend the efforts of every military retiree or family member across the country who participated in the grass roots efforts. I cannot allow Congress to adjourn without acknowledging the efforts of two very special Americans, two Mississippians. Jim Whittington of Laurel and Floyd Sears of Ocean Springs organized the meeting in March of 1999 that resulted in the introduction of the Keep Our Promise Act. They led the grass roots in the fight for justice for military retirees that brings us here today.

There are many, many more grass roots leaders who must be recognized. While it is not possible to name them all, I want to thank several people who communicated regularly with my staff and me for the outstanding work to keep our promise to America's military retirees: Colonel George "Bud" Day and everyone with the Class Act Group; General Robert Clements, Edith Smith, Floyd Felts, Dick Manion, Lonnie Vessel, Jack Hollinsworth, Chuck Huffman, and Joe Priestley.

I also appreciate the many veterans and military service organizations of the Military Coalition and the National Military and Veterans Alliance.

Particularly, I want to thank my friends at the National Association for Uniformed Services, the Retired Enlisted Association, the Retired Officers Association and the Air Force Sergeants Association. I am proud that the defense bill accomplishes part of what the Keep Our Promise Act would do by extending military health care to retirees over age 65; but the defense bill does not do everything the Promise Act would do. The Promise Act would offer military retirees the option to participate in the FEHBP plan because many retirees are not well served by TRICARE. We need to pass the rest of Keep Our Promise Act because it is the right thing to do, and I promise that the military retirees across the country will keep fighting for the benefits they were promised, earned and richly deserve.

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

(Mr. WU addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHERE HAS THE STRATEGIC PETROLEUM RESERVE REALLY GONE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, every American citizen will remember the heightened crisis that occurred in our oil situation and our fuel and its rising prices over the summer. Many of us wondered what was next. Well, what was next was that sometime in September the President, after being urged by Vice President GORE, released 30 million barrels of oil from the Strategic Petroleum Reserve.

Now, the first shock wave that occurred when that announcement was made was, what is going on here? The Strategic Petroleum Reserve is exactly that, Strategic Petroleum Reserve, meaning that it is to be used and was to be intended to be used for strategic purposes for defense purposes, for the national security of our Nation. That is, there would be a pool, literally a pool, of oil held back from the normal market so that if oil was cut off from the Middle East and we did not have our required fuel available for our Armed Forces, then this reserve would be at hand to protect our people in a national security situation.

Well, let us set that aside, as important as that is, and that is very important. We still have reservations about even approaching this Strategic Petroleum Reserve unless there be some kind of emergency action, some threat to our security at hand. In any event, put that aside for the moment. Many people were concerned that because of the rising fuel prices and even some shortages that were occurring, that the Northeast would find itself in this winter coming that it would be short of fuel for their home heating needs. So ostensibly, the directive by the President was to release these 30 million barrels for home heating. Well, at least we said the target is a humane one, is a proper one.

Then what did we learn? We found in the Wall Street Journal report and various other newspapers, including one from Bangor, Maine, where, of course, one of the areas would be that would most require this home heating oil, complained that what they discovered

was that the 30 million barrels that were being released from our strategic reserve were going to be sent to Europe by the oil refineries. That is, the oil bidders would buy this oil and then instead of sending it to New England would sell it on the market to Europe. Well, this is outlandish. We do not know if that is correct, but all the evidence yields a conclusion that that would be the case.

Moreover, out of the 30 million barrels, 30 million barrels that were released, it appears that only about 250,000 under any circumstances, 250,000 only would be delivered to the Northeast in time to help this winter. What we did was author a letter to the Secretary of Energy, our former colleague, Bill Richardson, to ask these questions: Is this oil going to Europe or is it not? And if it is not, why will only 250,000 barrels be finding its way to the home heating oil needs of the Northeast, which needs much more than that?

The letter was sent. No response was forthcoming. My staff contacted the Energy Department several times, and we did not receive a proper response, or any response. The Congress in its own way in committee hearings evoked the same kind of questions out of the circumstances. We do not know what the final answer is.

What all of this shows is, dipping into the Strategic Petroleum Reserves for our national security purposes already waiting in reserve, as the title implies, and using it for home heating oil which never arrives there, that is not government at its best. Yet, that is what Secretary Richardson said, this is government at its best. What it shows is that much more can be done and much better use can be made of our Strategic Petroleum Reserves.

I have introduced a bill, H.R. 4035, which calls upon a blue ribbon commission to be able to declare independence for the United States, again, to declare independence, this time energy independence, within 10 years, to take full cognizance of all the oil reserves in Alaska, in offshore drilling, in the Midwest and far West, in Oklahoma and Texas which have been traditionally the source of our domestic oil drillings; to look at solar energy; to look at hydroelectric; natural gas and coal, and declare independence for our country so that we do not have to depend on OPEC.

Mr. Speaker, I would also like to insert the following articles into the RECORD.

[From the Wall Street Journal, Thursday, October 5, 2000]

EUROPE'S LOW OIL SUPPLIES MAY BLUNT U.S. EFFORT

(By Alexei Barrionuevo and John Fialka)

Low supplies of heating oil in Europe are threatening to blunt the impact of releasing 30 million barrels of crude from the U.S. Strategic Petroleum Reserve.

Europe's market for heating oil is 50% bigger than the U.S. heating-oil market, Europe's stocks are even tighter and prices

there are a few cents a gallon higher, so U.S. refiners have a renewed incentive to ship heating oil across the Atlantic.

Further, a June fire at critical export refinery in Kuwait continues to upset the flow of heating oil across world markets.

Yesterday, the Energy Department said 11 companies were awarded a total of 30 million barrels of crude from the strategic reserve after submitting bids last week. The companies promised to return 31.5 million barrels to the federal stockpile next year as payment. The winners included Marathon Ashland Petroleum LLC, Valero Energy Corp. and Equiva Trading Co., the trading arm of Equilon Enterprises LLC and Motiva Enterprises LLC.

In offering oil today for oil later, the department said again it is seeking to avert a potential heating-oil shortage this winter. Energy Secretary Bill Richardson said the administration remains concerned about heating-oil supplies in New England, where inventories are 65% below normal levels.

Mr. Richardson called the release of oil from the strategic reserve "government at its best" and noted that the International Energy Agency, based in Paris, applauds the U.S. action.

Since the crude-oil swaps were announced two weeks ago, oil prices have slid from a high of more than \$37 a barrel to settle at \$31.43, down 64 cents, yesterday for the November contract of West Texas Intermediate crude.

In Europe, where storage capacity is greater, stocks of middle distillates, primarily heating oil, slid to 221 million barrels in July, down 20% from a year earlier, according to the International Energy Agency in Paris, and the stocks didn't grow in August. Germany has residential storage capacity of about 225 million barrels, but it has only about 125 million barrels socked away.

"Europe is tighter than the States," said Gary Ross, chief executive of Pira Energy Group in New York. "So they are likely to be a constant drain on our distillate supplies, thereby somewhat thwarting the efforts of the administration to augment distillate supply by the SPR swaps."

U.S. exports of heating oil to Europe ballooned nearly six times in the first seven months of this year to about 1.4 million barrels, compared with the year-earlier period, according to the most recent figures of the Department of Energy's Energy Information Administration. Total exports to all countries, however, declined slightly by 2.5% to 31.7 million barrels. "Europe needed the distillate more than Asia, and Asia has added substantial distillate-refining capability, so they are more self-sufficient now," said Larry Goldstein, president of the Petroleum Industry Research Foundation in New York.

Industry experts estimate that in recent weeks shipments have continued to pick up.

Refiners continue to be skeptical that the strategic-reserve release alone with help increase heating-oil supplies short term. "It is not going to generate one additional barrel of heating oil," because refineries already are at or near capacity, said Carlton Adams, a spokesman for Conoco, Inc., which bid unsuccessfully for 1.5 million barrels. Conoco hoped to run the crude through its Ponca City, Okla., refinery, which ran a record 201,900 barrels a day the last week of September.

The strategic-reserve oil won't be unloaded from the reserve tanks until later this month or early in November it will be December by the time the oil is refined and shipped to the Northeast.

Major pipelines from the Gulf, including Colonial Pipeline Co., say they have been fuller than normal recently because of low stocks in the Northeast.

The world-wide problems with heating oil have been compounded by a devastating fire at Kuwait's Mina al-Ahmadi refinery in late June that cut Middle East production by half. That has led European refiners to divert some supply to African countries, including Egypt.

Asia is the one major refining market in the world with spare capacity. In Singapore, in particular, refineries are only running at about 65% of capacity.

While higher refining profit margins in the U.S. and Europe could draw more shipments from Asia, refineries there say they face technical challenges in meeting U.S. and European environmental specifications for sulfur content. In the U.S., such air standards are governed by individual states, which would have to decide to temporarily relax sulfur requirements to open the market to supply from more of the world.

An Environmental Protection Act official says the agency is talking to states about the possibility of relaxing standards limiting the sulfur content in home heating oil. Northeastern states have such standards, and if supplies get tight, they could block the possibility of using higher sulfur fuel stocks intended for off-road construction equipment. They could also block shipments of imported heating oil from being used.

[From the Bangor Daily News Bangor, ME, Friday, October 13, 2000]

COLLINS, SNOWE CRITICIZE OIL RESERVE
RELEASE PLAN

(By Alex Canizares and Myron Struck States
News Service)

WASHINGTON—In a rush to release emergency oil, the Energy Department failed to make even rudimentary checks on some of the successful bidders—offering millions of barrels of oil to several one-man operations with little experience handling large amounts of oil.

Some of these small companies—including one that operates out of a New York City apartment and another just recently incorporated in Florida—were reported to be having trouble obtaining last-minute financial backing to sew up the deals.

A failure to get the required letters of credit this week could force the Energy Department to reopen some of the bids, preventing the release of all 30 million barrels of oil from the government's emergency stocks before the end of November as planned, department officials said.

President Clinton on Sept. 22 ordered the release, under a "swap" arrangement, of 30 million barrels of oil from the Strategic Petroleum Reserve to ease tight supplies before winter. The Energy Department announced Oct. 4 the names of 11 companies that would take the oil.

But the selection of several of the bidders has astonished some within the oil industry and prompted a call for a congressional investigation into the bidding process and whether it is primarily benefiting oil speculators.

U.S. Sen. Susan Collins, who pushed with other New England politicians for the release of oil from the reserve, said the Clinton administration has "unfortunately . . . mishandled something that was a good idea."

"I was surprised that the administration did not require bidders to prove their financial worth in advance," Collins said. "The unusual step of letting winning bidders prove their worth after the fact allowed questionable companies to get involved in the process—including some with no experience in the oil business."

Collins also is upset that oil that should be heating homes in the Northeast this winter is being shipped to foreign countries because

oil companies are getting a better price for the product overseas.

It now appears that more than two-thirds of the oil set to be released from the Strategic Petroleum Reserve will end up in foreign markets, an action proponents say will help ease the world crisis, but an action that critics say does nothing to solve the woes of New England, which faces tight supplies for the winter months.

"Bids for oil from the Strategic Petroleum Reserve should have included provisions that prohibited companies from exporting crude oil from the SPR," Collins said. "Since the administration did not include such language, the Department of Commerce should now deny export licenses to any company seeking to export" this crude.

U.S. Sen. Olympia Snowe, a leader in the Senate in seeking the release of the oil, also now is critical of how the release has evolved. She has met with Senate Energy and Natural Resources Committee Chairman Frank Murkowski, R-Alaska, to express her concerns and has also raised this issue with Energy Secretary Bill Richardson.

"The bottom line is that something is very wrong when we find ourselves in this precarious position for the second winter in a row," Snowe said. "While I believe the release from the SPR is a welcome, if long overdue, step, it is clear that we need to find long-term solutions to the supply problem in order to make sure people are not plunged into uncertainty every winter as to whether or not they will have oil to heat their homes."

Snowe also has seized on the export issue as critical to resolving this winter's fuel oil shortage in the Northeast.

In a letter to Clinton, Snowe asked the administration to address the issue and outline a means of keeping the oil in the United States. She also has posed the question to Richardson. Both queries have gone unanswered, she said.

"I find this situation outrageous, especially since the U.S. exported over 27.6 barrels of home heating oil for the first six months of this year—at the very time our home heating oil inventories in New England were reaching dangerously low levels. Ironically, the amount of home heating oil exported nearly matches the deficit we are now experiencing," she said.

Elsewhere on Capitol Hill, an effort by U.S. Rep. John E. Baldacci to press the White House to temporarily ban home heating oil exports to ease the supply shortage has taken off, with 77 members of the House joining in writing to Clinton.

The letter plays off the fact that some U.S. oil companies and refiners have been increasing home heating oil exports to take advantage of higher prices in Europe. Normally, the United States imports more fuel than it exports.

The call to action came after several steps the Clinton administration has taken to lower prices, including a 30-million-barrel swap of crude oil from the reserve and the release of \$400 million in emergency oil assistance to low-income households. The Energy Department also is setting up a 2-million-barrel Northeast home heating oil reserve.

The lawmakers co-signing the letter urged Clinton to encourage other countries to sue their strategic oil reserves to help boost inventories. The lawmakers said the president has authority to stem exports temporarily under the Export Administration Act.

[From the Wall Street Journal, Friday, October 20, 2000]

RELEASE OF OIL BARELY HELPS NEEDY
STATES

(By John J. Fialka and Alexei Barrionuevo)

WASHINGTON—An Energy Department official conceded that the Clinton administration's decision to release 30 million barrels

of crude oil from the nation's Strategic petroleum Reserve may yield only an additional 250,000 barrels of home-heating oil for fuel-short areas such as New England.

Under prodding from Republican members of a House Commerce subcommittee, Robert S. Kripowicz, an acting assistant secretary of energy, acknowledged that the administration's forecast that the move would result in three million to five million more barrels of heating oil was overly optimistic.

However, he said that if diesel fuel refined from the oil was also sent into the home-heating oil market, it could raise newly available stocks to 2.5 million barrels. But several committee members, noting that truckers and other powerful market forces might block such a shift, called the estimate unrealistic.

"Clinton-Gore math," said GOP Rep. Joe Barton of Texas, the panel's chairman, who had an aide display the Energy Department market forecast on a large chart. The forecast assumed that—given tight U.S. refinery capacity—20 million barrels of the government oil would block a similar amount of foreign oil that would otherwise have been imported into the U.S., making only 10 million barrels of the oil available to U.S. refiners.

An official of one refining company told the panel that the release of the SPR oil caused transportation problems that will delay its shipment. John P. Surma, senior vice president of Marathon Ashland Petroleum LLC, which was awarded 3.9 million barrels of the oil, said the oil has overloaded a key terminal at Nederland, Texas. "As a result," he testified, "some of the SPR crude oil will likely not be delivered until December."

Mr. Kripowicz said he wasn't aware of any delays at the terminal, asserting that oil companies can use several alternative routes.

Another apparently unforeseen obstacle looms in the form of the Jones Act, an 80-year-old maritime law requiring refiners and traders to use U.S.-flagged, U.S.-crewed ships to move crude oil and petroleum products from one U.S. port to another. Large companies such as BP Amoco PLC and Exxon Mobil Corp. have locked in the use of the better ships, leaving others to scrounge for the costly, less-desirable ships that are left over. The search for such ships is critical because oil pipelines are running near capacity.

"Right now, rates are so high that if there were domestic vessels, they would be showing themselves," said Larry Goldstein, president of the Petroleum Industry Research Foundation in New York.

Buddy Neubauer, a vice president for Valero Energy Corp., a San Antonio refiner, said that "there is a shortage of tonnage, and a strong winter could exacerbate the problem." But he added that some ships could become available "if the price is right."

A shortage of such ships appears to be delaying another recipient of SPR oil, Morgan Stanley Dean Witter & Co., shipping brokers said. But John Shapiro, Morgan Stanley's head of world trading, said: "The oil will get to where it is intended in the U.S. without any problem."

At House and Senate committee hearings, Republicans repeatedly criticized the fact that the Energy Department awarded 10 million barrels of the reserve oil to three small entrepreneurs with no experience in oil deals. Two of them later dropped out, forcing the government to redo the bidding.

NOT ENOUGH SHIPS

World trade is growing faster than the world shipping fleet. Percent changes 1998 to 2002.

(Figures in percent)

Vessel/Trade	Trade	Fleet
Dry Bulk	3-4	1-2
Tanker	2-3	1-2
Product	4-5	3-4
Crude	1-2	0-1
General Cargo	6-7	2-3
Container	8-10	8-10
Total	3-4	1-2

Source: U.S. Maritime Administration.

[From the Wall Street Journal, Tuesday, October 17, 2000]

U.S. TIGHTENS RULES FOR BIDDING ON OIL

(By John J. Fialka and Alexei Barrionuevo)

WASHINGTON—The Energy Department tightened its rules for traders who want to bid on oil from the nation's Strategic Petroleum Reserve, requiring them to post a substantial bond for the oil they are requesting before their bids will be considered.

The changes came after two small companies that made the largest bids in the recent auction for government oil won awards for a total of seven million barrels. The deals fell through when they failed to obtain the necessary financial backing.

The failures of the two small entrepreneurs, both inexperienced in big oil deals, and the success of a third, who quickly sold his interest to a major oil-trading firm, embarrassed some DOE officials and spurred an investigation by the Senate Energy Committee.

The Senate panel has summoned Energy Secretary Bill Richardson and other DOE officials to a hearing Thursday to discuss the swap, which committee chairman Frank Murkowski (R., Alaska) called a "considerable risk to national security." The 30 million barrels offered for the swap come from a 570 million-barrel reserve of crude oil set up by Congress in the 1970s as a safeguard against oil import disruptions.

Sen. Murkowski and oil-industry experts also questioned whether the swap of the 30 million barrels, when completed, would fulfill the Clinton administration's original expectation: that it would result in three million to five million barrels of home heating oil that could be shipped to the fuel-short Northeast in time for the winter heating season. Profit margins are now higher on transportation fuel and the crude oil could go to meet demand for that.

The Clinton administration announced the offer last month, using a rule that allows the swap of oil from the reserve if the deals result in the return of more oil to the reserve. The offer of the swap resulted in bids that promised to return 1.56 million barrels above the amount borrowed, meaning that the average among the 11 winning bids was a promise of a 5% return.

The government accepted offers from Lance Stroud of New York and Renard D. Euell of Denver, individuals who officials said promised returns of 12% and 10%, respectively, but their bids failed last week when major traders and oil companies refused to deal with them. The failure of their bids lowered the government's potential return for the swap of the remaining 23 million barrels to about 3.5%.

The DOE started a new round of bidding on the seven million barrels yesterday. Under the new rules, bidders must post a bond of \$3 million or covering 5% of the oil they are bidding on, whichever is less. "We know that these two bidders worked hard to make them [the bids] successful, but unfortunately they weren't able to do that," said Robert S. Kripowicz, the DOE acting assistant secretary in charge of the program. He said putting the financial-guarantee requirement in the 80-page bid application form "does raise

the bar somewhat in terms of what you have to have in place before you submit a bid." Still, he said, it wouldn't bar small bidders that made trading arrangements with larger companies. Ronald Peek, a Tallahassee, Fla., entrepreneur who sold his award of three million barrels to Hess Energy Trading Co. for an undisclosed sum couldn't be reached for comment.

In announcing the swaps plan, DOE was banking on a 10% to 20% heating-oil yield from refiners on the Gulf Coast, where the SPR reserves are located. But refiners there are currently converting only 8% of what they put into their refineries into heating oil. While they are posting above-average yields of 34% total distillates—which include heating oil, diesel and jet fuel—refiners are mostly focused on making on-road diesel fuel and jet fuel.

This is because the profit margins for diesel and jet fuel are higher now than for heating oil, and because transportation costs to ship products from the Gulf Coast to the Northeast have nearly doubled this year. The price of jet fuel is running four cents a gallon higher than heating oil, and diesel is running one cent higher. "Right now, that is the highest jet-fuel-to-heating-oil differential I have seen in a long time," said Kenneth D. Miller, a senior principal at Purvin & Gertz, a Houston energy consulting firm. "Speculation on being short of jet fuel in the winter is driving this."

Gulf Coast refiners could convert more diesel into heating oil, but the economic incentives might not be there, said John Hohnholt, senior vice president for refining at Valero Energy Corp. in San Antonio. "But the transportation issue plays a major role in that decision," Mr. Hohnholt said. Pipelines are busier than normal and the domestic tanker fleet is stretched thin.

[From the Dallas Morning News, Friday, October 13, 2000]

SWEETHEART DEALS? STRATEGIC RESERVE CONTRACTS LOOK HIGHLY QUESTIONABLE

It hasn't taken long for some of the subterranean politics of oil to spew to the surface.

Succumbing to the political pressure of rising oil prices, the Clinton administration last month authorized the release of 30 million barrels of oil from the nation's emergency oil supply. The purported goal was to release enough oil onto the market to force down soaring prices.

Eleven companies got a piece of the action, including several smaller, mostly unknown oil companies with little or no oil marketing experience. Now two of the three small companies awarded oil from the strategic petroleum reserve are having trouble getting the letters of credit guaranteeing the full value of the oil they need in order to complete the deal. One reportedly operates out of a New York apartment building. Another reportedly was incorporated about a month before the White House announced plans to tap the reserve.

If these companies can't come up with letters of credit to complete the transaction, then they'll have to back out of the contracts. Presumably that will delay the release of oil since the Energy Department had earmarked these three small firms to handle nearly one-third of the 30 million barrels. One forfeited its bid Thursday, but the other two have until midnight today to obtain letters of credit.

But this tale gets worse. There are no contract restrictions preventing companies from eventually exporting the oil they receive from the reserve to Europe where it could command a higher price, say some congressional leaders. It is possible that heating oil

could end up outside the United States, and the Northeast would still shiver this winter. With refineries running at near capacity and Middle East tensions rising, chances already are slim that tapping the reserve will make much of a lasting dent in energy prices.

Senate Energy Committee Chairman Frank H. Murkowski, a critic of using the reserve to tinker with market prices, wants the Energy Department to explain how all this could happen. "If the stated purpose for the swap was to supply the Northeast with home heating oil, why wasn't there a contractual obligation that made sure it will get there?"

Good question. The possible answers aren't pretty, though. Either the Energy Department conducted an incomplete review of credentials, or these are blatantly sweetheart deals. Consumers deserve an answer.

TRUCK SIZES AND WEIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I rise today to talk to my colleagues about the issue of bigger and heavier trucks on America's highways. As many of my colleagues know, I am a strong proponent of keeping the current truck size and weight limitations in place. Last year, the gentlewoman from Maryland (Mrs. MORELLA) and I sent a letter to the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the Committee on Transportation and Infrastructure, signed by 60 other Members of Congress from districts along Interstate 95. The letter urged the chairman to reject any effort to increase the 80,000-pound weight limit for trucks traveling on any part of I-95.

Earlier this year, I introduced House Concurrent Resolution 306, the safe highways resolution, along with the gentleman from California (Mr. HORN), the gentleman from Oregon (Mr. BLUMENAUER), and the gentlewoman from Maryland (Mrs. MORELLA). House Concurrent Resolution 306 expresses the sense of the Congress that the Federal freeze on triple tractor trailer trucks and other longer combination vehicle, LCVs, should not be lifted and the current Federal limits on heavy truck weight should remain in place.

Now since April, this legislation has gained over 135 House cosponsors. Additionally, the legislation is supported by a number of public safety and law enforcement organizations such as AAA, the National Public Health Organization, the International Brotherhood of Police Officers, the National Association of Police Organizations, and the National Troopers Coalition.

Mr. Speaker, probably the best argument against lifting the Federal 80,000-pound weight limitation or freezing the current geographic limit taking on LCVs is force equals mass times acceleration. It is simple high school physics. The bigger the truck, the harder it is to stop; the harder it is on the highway itself; and in the event of an accident the harder it hits anything in its path.

Additionally, a number of truck drivers that I have talked to have told me that bigger trucks are more difficult to handle and more stressful to drive. There is no doubt that heavy trucks have inherent dangers. According to the U.S. Department of Transportation, in 1998 more than 5,000 Americans died and an additional 128,000 were injured in heavy truck accidents. Allowing trucks to get heavier only increases the danger. Heavier trucks are more likely to roll over, suffer from braking problems, and deviate from the flow of traffic, increasing the danger of a collision.

Moreover, the heavier the truck, the more likely a collision with an automobile will be fatal for the occupants of the car.

As many of my colleagues on the Committee on Transportation and Infrastructure know, the United States Department of Transportation recently released the Comprehensive Truck Size and Weight Study. This study took 4 years to complete and is the most definitive study of its kind on the topic of truck size and weight. The study projected that LCVs would have fatal accident rates 11 percent higher than single trailers if they operated nationwide. Additionally, heavier trucks will have a heavier impact on America's highway infrastructure. Again, according to the Department of Transportation study, nationwide operation of LCVs would add \$53 billion in new bridge reconstruction costs. This is a particularly important concern to my constituents in Massachusetts, as well as to many of my colleagues in the Northeast, where bridges are significantly older than in most other parts of the country.

In addition, there would be \$266 billion in lost time and extra fuel burnt by auto drivers stuck in traffic because of bridge work. But traffic safety is not about statistics or abstractions. The damage done by motor vehicle accidents has a very human face. For me, that face most recently in the face of Linda Russell. Linda is a nursing supervisor at the University of Massachusetts Hospital in Worcester. She was badly injured when her car collided with a tractor trailer. As a result of the collision, Ms. Russell's right foot was almost completely severed, and she will be confined to a wheelchair for the rest of her life.

She wrote me in June of 1998 urging me to ask the Department of Transportation to accelerate the issuance of a final rule requiring tractor trailer trucks to be equipped with reflective tape.

□ 1615

A number of my colleagues have asked me why I introduced House concurrent resolution 306 when there are already Federal restrictions in place. The answer is that I have worked in Washington long enough to know that the status quo is only the status quo. If one feels passionately about an issue,

one needs to be proactive. The smallest changes add up incrementally.

For example, in 1974, States were given the option to increase maximum truck weights on interstate highways from 72,000 to 80,000 pounds and to permit operations of a twin 28-foot double trailer truck. Less than 10 years later in 1982, Congress forced every State to permit these bigger rigs.

Mr. Speaker, I will just end by simply saying that I want to thank my colleagues for standing with me in supporting this legislation, and I urge the next Congress to take this issue up early on next year when we reconvene.

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Utah (Mr. HANSEN) is recognized for 5 minutes.

(Mr. HANSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MISSED OPPORTUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, earlier today, during morning business, I made some comments about missed opportunities of our foreign policy and how, as we look back over these past 8 years and judge whether we are better off or worse off here in the United States of America, it is good to take a look at the foreign policy situation, because, in fact, the world is a more dangerous place, and we are, in fact, more vulnerable and more threatened as a result of 8 years of a Clinton-Gore administration.

When we look into why that is the case, what caused this to happen, we find a foreign policy that has really been characterized by photo opportunities on the one hand and lack of consistent attention on the other hand, and it has not served us as well as it might, and we have missed important opportunities at a time when the world is waiting for the world's dominant power to show clear vision and signs of leadership for the next century ahead.

As we look at some of the hallmarks, trying to go back over these past 8 years of the Clinton-Gore administration, we have found that betting on people rather than on institutions in an evolutionary process was a big problem. Putting our money on guys like Milosevic is a bad bet; and Milosevic was, in fact, the guy we put our money on in Dayton for a short-term gain in the Balkans. Unfortunately, it led to long-term trouble; and we are still not out of it there. And Milosevic, while he has now been finally removed by the people of his country in a more evolutionary way, he nevertheless still is a factor, but more important, he is still a war criminal. We have dealt with Milosevic not as a war criminal in the Clinton-Gore administration, but as

somebody who we can trust in negotiations. That was a very poor choice.

Aristide in Haiti, another poor choice; a man who is an authoritarian, no friend of the United States, and has receded Haiti from the democratic promise it showed in the early 1990s. By betting on Aristide, I think we have done that country no favor at all.

Foday Sankoh in Sierra-Leone. Probably, CNN has shown the most gruesome shots of butchery, of children going out and maiming children, drugged children going out and maiming children, being used as instruments of war. This is a person the Clinton-Gore administration chose to try and do business with. When CNN pulled the cord on that and they showed Foday Sankoh for the brutal dictator and terrorist that he is, the Clinton-Gore administration retreated from that, and so far we have nothing to replace it.

So when I talk about a hallmark of betting on the wrong guy, that has been one of the problems. Another has been appeasement. We have seen continuously wishful thinking that said, if we could just get these people to go along with us, we will be all right, and we will offer them carrots. Well, we have to remember that the wall came down in Berlin because we were dealing from strength. They had no place to go in the Soviet Union and the United States of America was on the side of right and we were on the side of strength and eventually we prevailed because of those things.

Now we are going to North Korea and we are seeing extraordinary, extraordinary and, I would say, amazing scenes of our Secretary of State basically recognizing a dictatorship that is has enslaved most of its people, including its children. This is not just enslaving them physically, this is mind control as well, because the indoctrination in North Korea is total. I have been there, and I have seen it. Here, for whatever reason, we are suddenly finding our new best friend, the smiling Kim Jong Il. He is still the same old Kim Jong Il, he is not our best friend, he is a dangerous dictator, and it is a thoroughly Communist country. I do not understand why we are trying to do him a favor.

As we go through and look beyond the appeasements that we could talk about in Russia and China, let me skip to some bad judgment, bad judgment such as we have seen in the Middle East by trying to do a good job, and I give the President credit for that, but by forcing the agenda so fast for whatever motivation that it broke the framework. That was not good judgment; and we are seeing tragically tonight, every night on television, scenes of what happens when one forces a situation beyond its evolutionary capability to deal with it.

We have seen in Iraq apparent, Desert Fox. We bombed the heck out of them, and what happens? We end up winning a very short-term gain and losing our window into Iraq. We do not

truly understand what is going on there now. We have lost our eyes and ears, Iraq is evermore dangerous and is now reasserting itself as a leader in the Arab world, as an evermore dangerous enemy of the United States with greater capabilities. We did not do what we needed to do there.

Mr. Speaker, this is a subject that will continue on, because this is a subject that matters to America; and I will be talking more about this in sessions to come.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ELIMINATION OF THE DEATH TAX WOULD BENEFIT ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDI) is recognized for 5 minutes.

Mr. TANCREDI. Mr. Speaker, for quite some time, we have been hearing from our friends on the other side of the aisle that Republican attempts to abolish the death tax is just a sop to the rich and that few "regular" folks would ever benefit from its elimination.

I would like to bring to the attention of the House an article that appeared in The Denver Post this weekend entitled "Death, Taxes end Rancher's Dream." The article describes the plight of the Laurence family who have for the last couple of generations been eking out a living from an 1,800 acre ranch in the Rocky Mountains of Colorado.

Merrill Laurence died 4 years ago and the family has been struggling ever since to keep the tax man at bay. They have run out of time and resources. Soon, the auctioneer's gavel will fall; and the ranch will be sold to developers. November 11 will be the date that ends a 180-year history of the Laurence family ranching heritage. This family will be moved off the land and homes will be built where the ranch now stands.

But the proceeds from the sale will not accrue to the heirs. They do not want the sale. They will not receive very much at all of what comes from that sale. The money raised by this forced sale will go to satisfy the demands of the IRS.

I can assure my friends on the other side of the aisle that there are real people out there who are affected by the death tax and who are far from "fat cats," that phrase that we so often hear them employ when attempting to foster class hatred in this country. These people and hundreds of thousands, millions others like them all over the United States are regular,

hard-working tax-paying families who, in fact, have made only a couple of mistakes in their lifetime. Like Mr. Laurence, many of them work too hard, accumulated too much, according to, again, people on the other side of the aisle who keep talking about the death tax as something that so few people would get and so few people deserve the elimination of the death tax.

Mr. Speaker, the fact is that there are lots of people who actually are, as I say, hard working, and they are not the top 1 percent, as we have often been told, of this Nation's income-earners who would benefit by the elimination of this death tax. They are people like Mr. Laurence who, as I say, he made a few mistakes. He worked too hard. He died before a new President could take office.

Mr. Speaker, I hope that we will soon be able to reintroduce this idea, the elimination of the death tax, and we will soon pass it; again, this will be the third time, and it will be signed by the next President of the United States, because it is a tax that needs to be eliminated, it is an unfair, unjust tax that people like the Laurences of Colorado are now being forced to pay and, as a result, being forced to sell their own heritage.

COMMUNICATION FROM STAFF ASSISTANT TO THE HONORABLE JAMES A. LEACH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ginny Burrus, staff assistant to the Honorable JAMES A. LEACH, Member of Congress:

OCTOBER 26, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court for Iowa, Johnson County.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

GINNY BURRUS,
Staff Assistant.

COMMUNICATION FROM DISTRICT SCHEDULER TO THE HONORABLE JAMES A. LEACH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jill Rohret, district scheduler to the Honorable JAMES A. LEACH, Member of Congress:

OCTOBER 26, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

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issued by the District Court for Iowa, Johnson County.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

JILL ROHRET,
District Scheduler.

PLEA TO RUSSIAN GOVERNMENT FOR THE RELEASE OF EDMOND POPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to bring to the attention of the Russian government an irony that I believe perfectly illustrates why Edmond Pope, an American businessman, held captive for 211 days, should be released.

Since his arrest in April on charges of espionage, Ed Pope has been held in a Russian prison thousands of miles away from his family. He has been denied regular contact with his loved ones, including his ailing parents whose home is in the district I represent. He has been held in utterly uncivilized conditions, and, most distressing of all, Mr. Speaker, Mr. Pope has been denied access to the specialized medical treatment that is needed to detect a recurrence of the rare form of bone cancer that he once battled.

Last Friday, Mr. Speaker, while Ed Pope was sitting in his bare prison cell in Moscow, this House passed a bill granting U.S. residency to a Russian citizen named Marina Khalina and her son, Alec Miftakhov. Marina and Alec live in Portland, Oregon, a mere 250 miles from the parents of a man who is being unjustly held in their native country. Mr. Speaker, 250 miles from Roy Pope, who has terminal cancer, a condition that is made even more unbearable by the knowledge that he may not live to see his son, Ed, returned home.

My comments should not be taken as any criticism about the Russians who have become our latest citizens in Portland. They are not intended that way at all. You see, Marina came to this country in search of medical treatment for her son. The assistance she has received from Oregonians in retaining that treatment for Alec is one of the most transparently generous acts of humanity I have ever witnessed, and it is incredibly important that it be carried out.

Diagnosed with cerebral palsy at age 6 months, Alec's leg muscles and tendons were so contracted that he could not walk. Without the social services or rights that the disabled are afforded in this country, Alec could not go to school in Russia. His desperate mother could not even obtain a wheelchair for her son and carried him in her arms for 7 years.

Thirteen years ago, she met a visiting physician from Salem, Oregon

who contacted Shriners Hospitals for Children in Portland. In October of 1989, Marina and her son entered the United States as visitors for the first of 6 operations that Alec would undergo. As he underwent more surgery and rehabilitation, the Immigration and Naturalization Service in Portland granted extensions, allowing Marina and her son to remain in the U.S. Forcing Alec to return to Russia where Ed Pope spends his days peering through steel bars would have halted medical progress and consigned him to a life utterly devoid of hope. Thanks to the outpouring of assistance he received in this country, Alec has been spared that terrible fate. But while Alec receives medical attention in the United States courtesy of the goodwill of the American people and those of my State, the Russian government systematically refuses to grant Ed Pope access to the medical care that could save his life.

□ 1630

Since the bill granting Marina and Alec residency status was introduced, she has worked in Gresham, Oregon, where she coordinates care for elderly and disabled clients. Alec has earned his high school equivalency degree and hopes to study Web design. Needless to say, the future looks considerably brighter for them in this country thanks to the compassion we have shown in this Congress and that shown by the people of Oregon.

Following passage of the bill granting her a new life in this country, Marina said, "For us, this is freedom." And indeed it is, Mr. Speaker. It is freedom that is being denied to Ed Pope as he sits before a Russian judge awaiting a verdict that could lock him away in prison for more than 20 years.

I know I am not alone in welcoming Marina and Alec to Oregon, and I wish them well and the very best in the years ahead. We are a Nation of immigrants. And as the goodwill shown to Marina and Alec shows, we are a Nation of profoundly decent and compassionate people. But the generosity that has been shown to Alec and Marina stands in stark contrast to the inhumane, unjust imprisonment of Ed Pope. If only the Russian government, indeed, if only the Russian President could follow our example.

So I call upon President Putin not to just reinforce the worst images of Russia in the minds of the people of the West by prolonging Ed Pope's already lengthy imprisonment. Show Ed Pope the kindness that has been shown to Marina Khalina and Alec Miftakhov and release Ed Pope immediately.

WHY IS CONGRESS STILL IN SESSION?

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, I would obviously rather be home in my home

State of South Dakota this evening. I have a couple of important meetings tonight. One was with the folks from Homestake Mine, a mine which has been in service in South Dakota for about 125 years and which has recently announced that it is closing.

I had a meeting scheduled there to talk about those issues. How do we deal with the issue of displaced workers? How do we deal with trying to help this small community transition and diversify its economy?

I also had a meeting this evening with a group of snowmobilers who were interested in the National Park Service proposal to ban snowmobile use in some of our National Parks, as well as with the President's roadless initiative and other things.

However, we are still here in Washington, D.C., and I believe that the people of this country and the people of South Dakota, my home State, need to know why we are here. We are here, I believe, because the President continues to insist on putting politics in this election year ahead of people.

The President, in this budget, has gotten literally everything he has asked for and more in terms of spending. But it is still not enough. And it begs the question, Mr. Speaker: How much is enough? We are still trying to figure that out. What else is the President insisting on?

Well, there are a number of issues unrelated to the budget process itself which he is also insisting that we move on, legislative provisions that would be added on to appropriation bills. One is blanket amnesty for 4 million people who have come to this country illegally since 1986.

We do not think that we ought to be about the business of rewarding people for breaking the law. Now, on the other hand, there are a lot of people in this country who have come here legally and want to be reunited with their families, and we propose that as an alternative to the President's plan. And yet the President is insisting upon blanket amnesty for 4 million people who have come to this country and are here illegally.

One of the other issues that he has insisted upon is that action be taken in the area of hate crimes legislation, legislation which to my understanding has yet to be debated, has yet to be considered in committee or anywhere else.

Another issue which separates us this year, and granted in this election year these issues become more politicized but, nevertheless, we ought to be able to reach a compromise to take the politics out of some of these issues and do what is right for the American people. The President insists upon federalizing education in this country. We happen to believe as a matter of principle that our children are much better served when it is school districts, administrators, and teachers and parents who are in control rather than the Federal bureaucracy from Washington, D.C.

Mr. Speaker, when I travel across my State in South Dakota, and I did during the month of August meet with a number of school districts, the thing I heard over and over and over again is: we need flexibility. Flexibility, flexibility. Allow us to make the decisions about how best to put these dollars to work. Do not have Washington telling us that they know best and coming up with one-size-fits-all solutions. School districts want flexibility.

What else is keeping us here? We passed a tax bill. It had a minimum wage increase on it, which is something the President wanted. We passed a tax bill that includes the President's new market initiative, something that he has worked with our Speaker to try and accomplish. We passed a tax bill that has the repeal of the telephone tax which was put in effect in 1898 to fund the Spanish American War. It needs to be repealed.

We passed a tax bill that allows for the expansion of IRA limits, which is something that I believe the President has also indicated his support for in the past. Deductibility of health insurance premiums for self-employed people, another issue that is included in the tax bill.

Perhaps as important as anything else for the people in my State of South Dakota and all across rural America is a Medicare fix for rural hospitals, something that is very important to rural areas. We have hospitals and skilled nursing facilities and home health agencies that are waiting for this legislation and have come out very much in favor of it. It is about a \$30 billion package. It has the support of the American Hospital Association, the American Cancer Society, the National Association of Rural Health Clinics.

Most of the folks in rural areas of this country understand how important this legislation is to their very existence and survival, and so they have asked the President to sign it and not to veto it. And yet the President has indicated that he will veto it, which I think leaves us with one conclusion, Mr. Speaker. That is that the President has decided that this election year is more important than doing the work of the American people. Putting politics ahead of people.

That is why I cannot be with my constituents in South Dakota this evening. And as much as I would like to be home with my constituents, we have to represent their interests, get their work done, complete the agenda of the American people. I hope that the President will work with us.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

(Mr. DELAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DEMOCRATS' CONCERNS REGARDING HEALTH CARE ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I listened to the previous speaker on the Republican side, and I know he is well intended. But I wanted to say that I feel very strongly that one of the reasons we are still here, and certainly one of the reasons that has been articulated by the President in his opposition to this Republican tax bill that he has said he will not sign, he will veto if it comes to his desk, is because Democrats and the President and the Vice President feel very strongly that with regard to a number of issues, and I am going to spend time primarily this evening on the health care issues, that the Republican leadership has simply not done its job.

Mr. Speaker, we as Democrats are very concerned about the average citizen and what we do in the House of Representatives and feel very strongly that on a number of issues, and again particularly with regard to health care, that the Republican leadership has simply failed to address the problems that the average American cares about.

We know that we are in times of great economic prosperity and as a result of the President's programs, that prosperity continues. There is a significant Federal surplus for the first time now in a long time. But the problem is that we still have some unmet needs, and particularly with regard to health care. What we see in this tax bill that the previous gentleman from South Dakota (Mr. THUNE) mentioned, and that has been the discussion of much debate over the last few days, is that the Republicans really are prioritizing what I call special interests, particularly with regard to HMOs, as opposed to the public interest.

I have been very critical of the fact that this tax bill that came to the floor last Thursday gave the lion's share of the money to the HMOs without any strings attached, without any requirement that they stay in the Medicare program.

Many of my constituents have complained to me about the fact that they signed up with an HMO under Medicare, and then a year later or so they were notified that the HMO was no longer going to cover them and they had to find some other way to cover their health insurance. Granted, they can go back to the traditional Medicare fee-for-service system, and that is fine. For most people, 85 percent of people who are under Medicare, that is fine and that is great.

But there are problems in the sense that traditional fee-for-service does not cover prescription drugs. Many of my seniors signed up for HMOs because they were sort of lured into it by promises on the part of the HMOs that they

would get a prescription drug benefit, and then all of a sudden they found that they did not have one.

Well, what the HMOs did is they came back to the Republican leadership and said, look, we are getting out of Medicare because we are not getting enough money, so give us more money. Give us a larger reimbursement rate, and we will get back into the program. The problem is that the tax bill the Republicans put up last week did not attach any strings. They are saying, okay, we are going to give 40 percent of this new money that we have in the surplus, or 40 percent of the money allocated in this bill, to HMOs. But they do not say that they have to stay in the program for more than a year. They do not say that they have to guarantee any particular level of benefits.

Mr. Speaker, I actually had a motion which I brought to the floor yesterday, or the day before last, which said that in order to get this additional money they would have to agree to stay in the Medicare program for at least 3 years and they would have to provide the level of benefits that they initially promised for that 3-year period. Of course, the reference is primarily to prescription drug benefits, which is why most seniors signed up for HMOs in the context of Medicare.

The Republican leadership opposed that motion and they basically say, look, we want to give this money to the HMOs, and we are not going to have any real strings attached to it. The Democrats and the President have been saying that in addition to the fact that they are giving this money to the HMOs with no strings attached, they are taking away or they are not giving sufficient funds or prioritizing funding for the providers of Medicare, the hospitals, the nursing homes, the home health care agencies. They get significantly less percent of this money under the Republican bill than the HMOs do, and yet they are the ones that are really providing the service.

The HMOs are just insurance companies that ultimately go to the hospitals and the nursing homes to provide the service. And these primary providers are getting less of a percentage of this pot than the HMOs. Again, I would say it is because the HMOs are aligned with the Republicans and basically the Republican leadership is doing their bidding.

Now, what do the HMOs do with the money that they get from the Federal Government? Well, first they provide services. But we know a lot of them spend a significant amount of that money paying for their CEOs. They have huge overhead, huge administrative expenses for a lot of their executives. They do a tremendous amount of advertising. That is how they get the seniors to sign up for the HMOs, doing all of this advertising and having these meetings and giving out free dinners and different things to get the seniors to come and sign up.

Then they also spend a significant amount of their money lobbying and spending money on political ads to lobby against the Democrats' initiative, the Medicare prescription drug program that we have proposed, and the HMO reforms, the Patients' Bill of Rights that we have proposed.

They also spend a lot of their money just in direct or indirect independent expenditure contributions to argue against and for the defeat of Democratic candidates. I was one of the victims of that. I found myself, 2 years ago in 1998, the target of an independent expenditure primarily financed by HMOs and the pharmaceutical industry to the tune of \$5 million spent in the last 2 or 3 weeks of the campaign to try to defeat me.

So it is no wonder that it costs the HMOs so much money to operate and why they feel they need more money to operate, because so much of their expenditure goes for these other things that are not health care related.

Now, what the Democrats did today is we tried, when there was a bill that came up to correct this tax bill with regard to another aspect, a minimum wage, the Democrats tried to bring up an alternative bill or amend the Republican legislation so that it included some changes that would diminish the percentage of the money that went to the HMOs and give more as a percentage basis to hospitals and primary providers, nursing homes, home health care agencies.

At the same time, it would say that if the HMOs wanted to benefit from this additional money that was being provided under the bill, that they would have to stay in the Medicare program for 3 years and they could not reduce their benefits.

□ 1645

It seems to me that makes a lot of sense. We know the HMOs are getting out of the system. There have been many reports, one done by the GAO, the General Accounting Office, just last month in September that said that providing more money to the HMOs is not necessarily going to make them stay within the Medicare system. So why not try a different way of trying to get them into the system.

I want to talk a little more about some of the other things that we had in this proposal today because I think it goes to the heart of my initial contention that the Democrats are trying to deal with the problems, the health care problems that the average American faces; whereas, the Republicans keep trying to do something with this bill that is primarily for the special interests and for the HMOs.

Just to give my colleagues an idea, we had additional money, as I said, for hospitals. We had additional money for the staffing and quality control for nursing homes. We had additional payments to home health agencies. I have been critical of the fact that the Republicans have not been willing to

bring up the patients' bill of rights, which is the HMO reform that prevents abuses in HMOs and says the decisions about what kind of care one gets, what kind of operation one gets, that those decisions should be made by the insurance company and the patient and not by the HMO, the insurance company.

The Republicans have not been willing to bring up the patients' bill of rights. They passed it in the House, but it is dead in the Senate. So what we put in this bill as an alternative to the Republican tax plan today also was a provision that says that, if one has to appeal a decision under Medicare because one has been denied care by an HMO, that one would have a better way to appeal that, go to an outside review board, if you will, to make that appeal so the HMO would not, basically, be reviewing its own decisions. Somebody else would.

This is part of what we had proposed in the patients' bill of rights. So we were, not only trying to give more, we were not only trying to level the playing field with the HMOs and require them to stay in the Medicare program for longer period of time, we were also trying to address the issue or the need for HMO reform.

Now, the other thing that we were trying to do in this bill today, which I think is a distinct improvement over what the Republicans had in mind, is that it relates to the issue of the uninsured. If we ask Americans today about health care and what are the primary problems, they will say HMO abuses, they will say the need for a Medicare prescription drug. But for those who do not have health insurance, which is about 42 million Americans, they will say it is the need to provide affordable health insurance so that they can get health insurance.

Well, in this bill, in this tax bill that the Republicans put forward last week and has been the subject of discussion for the last few days, the Republicans said that they are going to give an above-line deduction for individuals who buy their health insurance. I have been critical of that because it is not going to help, again, the people who do not have health insurance. In other words, most of the people that would be able to take advantage of that are people who already have health insurance and they will get a deduction.

But what about the 42 million people that do not. The type of deduction that is provided is not really going to provide a system for those 42 million, or few of them, to buy health insurance because their problem is their employer does not provide it, and they cannot afford it on the private market. A little bit of a deduction the way the Republicans have set forth is not going to get them to be able to afford health insurance.

What the Democrats have been saying with regard to the uninsured, and, again, this is Vice President GORE's proposal, is that we have to build on

the existing kid's health initiative which was passed here in the House of Representatives and became law a few years ago, that provides Federal monies back to the States so that they can sign up children of working parents who now cannot afford health insurance.

What Vice President GORE has been saying, what President Clinton and what the Democrats have been saying is let us expand that program to a little higher income level so that the kids whose parents work but maybe are a little above the current guidelines will still be able to take advantage of this program.

We have also been saying that, perhaps, we should let the parents of these children buy into the program. It is more likely that if a parent can provide or get health insurance for their children, that they would like to sign up the whole family for this program with these Federal dollars.

So I have been critical of this Republican tax plan because it really does not do anything to get more people enrolled in health insurance who do not have it. I would like to see some changes, instead, in some money used under this bill to sign up more people and get more people involved in this kids health initiative.

So what we have in the Democratic alternative that was discussed today but, of course, defeated was a way of providing additional coverage, money that would be used to do outreach to get more children enrolled in the program.

Again, it is a different approach to what the Republicans have proposed, but I think it is an approach that will work in getting more people provided and covered by health insurance; whereas, I do not think the Republican proposal accomplishes that.

I want to stress throughout this because I hear my Republican colleagues say that this tax bill is a great bill, and the President should sign it because it is going to help.

Well, I am not going to argue that in some ways it might help a little; but given the amount of money that is being thrown to the HMOs, given the amount of money that is being given to a lot of these special interests, it is not going to help very much.

We could use that same amount of money in a different way under the Democratic proposal to really do a lot more to make sure that seniors who are on Medicare can find an HMO that provides them with decent coverage, including prescription drugs, we can do a lot more to cover the uninsured with that same amount of money than what the Republicans are doing.

Now, just to give my colleagues some perspective on this, in the tax bill that the Republicans put forward and passed, over one-third of the Federal dollars were allocated to HMOs. It is almost 40 percent, 41, 42 percent. The Republican plan increases payments to Medicare HMOs by over \$10 billion over

5 years and over \$30 billion over 10 years, despite the fact that only 16 percent of Medicare beneficiaries are enrolled in HMOs.

Well, keep that in mind. In other words, if one has this senior, group of seniors and disabled that are in Medicare now, only 16 percent of them are in an HMO. Yet, when we address the issue of trying to provide additional funding for Medicare, we are going to give for those 16 percent 40 percent of the money. The other 85 percent who would benefit more from having this money go to the hospitals or the nursing homes or the home health agencies directly, they are only getting 60 percent of the money.

It makes no sense, other than if one looks at it from the perspective that the Republicans are with the HMOs because they are helping them with their campaigns. They are trying to get rid of Democrats, and they are doing all these other things to help the Republican cause.

I also wanted to give my colleagues another example. This was an article that I took from USA Today back in February of 2000, but I have kept it because it really kind of says a lot about what the HMOs do with the money.

This report found \$4.7 million in questionable administrative costs among nine Medicare HMOs, including lobbying and gifts. One insurer spent \$249,283 on food, gifts and alcoholic beverages. Four HMOs spent \$106,490 for sporting events and theater tickets. Another leased a luxury box at a sports arena for \$25,000. Customers, insurance brokers and employees at one HMO were treated to \$37,000 in wines, flowers, and other gifts.

I gave the example the other day, Mr. Speaker, of where an HMO in my district did this huge advertising campaign to get people to go to the local diner. They offered them a Maine lobster dinner for the evening to get good people to sign up for the HMO.

I mean, this is crazy. Here we are being asked to give more money to the HMOs so that they can spend the money for these administrative costs, for this advertising, and these other things that ultimately do very little, if anything, to help the average senior or the average American.

Now I wanted to, if I could, Mr. Speaker, spend a little time talking about the Democratic alternatives on the two issues of prescription drugs and HMO reform, and I will probably also get in a little bit to the issue of dealing with the uninsured. I talked so far about these issues in the context of this tax package today.

But what I want to reiterate to my colleagues is the fact that, over the last 2 years, and even beyond, since the Republican leadership has been in the majority here, there are major overhauls of all these programs that could have been done and that, in fact, were proposed and even in some cases voted on by the House that were initiated by the Democrats with the help of some

Republicans that would have made a huge difference in people's lives with regard to seniors access to prescription drugs, with regard to HMO abuses, with regard to the problem of these over 40 million Americans that have no health insurance.

Yet, in each case, the Republican leadership stymied and tried to prevent this legislation from coming to the floor or, even if it did pass, they killed it in the other body or they did whatever they could in conference between the two Houses to make sure that it did not move forward.

I guess the best example of that is the issue of HMO reform, which I still think, along with Medicare prescription drugs, is the number one issue that I hear back at home in my district in New Jersey.

What the Democrats were saying with regard to the HMO issue is that we are tired of the abuses where the HMOs will say to an individual or a patient, okay, you cannot have this particular operation or you cannot stay in the hospital this particular length of time, or we are not going to let you have this particular medical equipment because we do not think it is necessary.

We want to change that. The Democrats and some of the Republicans want to change that so the decision about what is medically necessary and what kind of care one gets is made by the physician and the patient, not by the insurance company. In addition, we want to give one some enforceable way of rectifying a grievance if one has been denied care because the insurance company said one cannot have it.

Now, the answer to this that we put into bill form was a bill called the patients' bill of rights, also known as the Norwood-Dingell bill. It was mentioned by the Vice President in the last debate that he had with Governor Bush. He actually asked Governor Bush whether he would support the Norwood-Dingell bill and Governor Bush did not respond or certainly did not indicate that he would support it.

The patients' bill of rights really does two things. It switches the decision making from the insurance company to the doctor and the patient; and it says that, if the insurance company denies one care, we are going to give one a way to go to an independent board that could overturn that negative decision, or failing that, or absent that, one could go to court and have the court enforce one's rights and make sure that one has the service that one and one's physician thinks are medically necessary.

But let me just go into some of the other provisions of this bill before I talk about its fate and why I blame the Republican leadership for its not passing in this Congress. The legislation, first of all, protects all Americans and all health plans, it is not limited to certain types of health plans.

It assures access to all emergency rooms when and where the need arises.

Many of the HMOs now will say one can only go to certain hospital emergency rooms even if one feels that one is having a heart attack. If one goes to the local emergency room rather than the one they tell one to go to that is 50 miles away, and one does not die, then they will come back and say, well, you should have gone to the other emergency room 50 miles away, and they will not pay for it.

Well, this says that is not acceptable if one thinks that one needs to go to the emergency room, one has a legitimate reason, one has chest pains or whatever, they have to pay for it.

Some people are surprised to find that is true until they have the emergency and they find out it is not paid for.

The patients' bill of rights also guarantees access to the specialists the patients need. One of the ways that HMOs limit care is they will say you could go to a particular specialist. I will give my colleagues an example of pediatrics. They will say one can only go to a certain pediatrician, but one cannot go to a pediatrician who specializes in certain disorders.

Well, we say no. One has to be able, if they do not have the physician or the pediatrician in my example who deals with that specialty care within their network, then one has to be able to go to the doctor outside the network, and they have to pay.

It guarantees that one has access to a fair and timely internal and independent external appeals process. This is what I said before. The HMO does not hear one's appeal. An independent group does outside of the HMO. It also assures access to clinical trials, assures patients can keep their health plans.

There are a number of other things. I am not going to go into all the details because, you know, for lack of time.

□ 1700

What happened to this Patients' Bill of Rights? Well, when it was put together by the gentleman from Georgia (Mr. NORWOOD), who is a Republican, and the gentleman from Michigan (Mr. DINGELL), who is the chairman of our Committee on Commerce on the Democratic side, we could not get it brought up on the floor of the House. The Republican leadership did not want it brought up. So we got a discharge petition. This is where we all come to the floor, as many of us as we can, and sign a petition demanding this bill be voted on, be considered on the House floor. As the number of that discharge petition increased and got to be almost a majority, the Republican leadership decided that they would let a bill come to the floor.

Eventually, not easily, it was approved by a majority of the House. I think something like 60 Republicans even voted for it. But then, when it went over to the Senate and there was a conference between the two Houses, the Republican leadership here continued to oppose it, and the Republican

leadership in the Senate had always opposed it; and so they just basically let the conference die. I think the conference met once or twice; but that was it, and the bill is dead. They will not bring it up. So when I blame the Republican leadership for not addressing the issue of abuses within HMOs, it is because of the fact that they have basically killed this bill.

The second major issue is the one with regard to prescription drugs, and this of course has become a major issue in the Presidential campaign. What the Democrats have been saying, and Vice President GORE of course the same, is that we have an existing Medicare program for seniors and the disabled that works well. Medicare does not have a huge overhead, administrative costs, and it works well. It is a government-run system in the sense that the government pays the cost. So why should we not expand it to include prescription drugs?

When Medicare started in the 1960s, prescription drugs were not that important. Preventive medicine was not that important. It has become so. People now can pay incredible bills, \$4,000 or \$5,000 a year, sometimes more, for prescription drugs. So we need to cover this under the rubric of Medicare. And rather than hoping that people will be able to find an HMO that covers it, and only 15 percent have, 15 percent of the seniors as we have said are all that are in HMOs right now, let us provide it as a basic benefit under Medicare that anyone can sign up for.

Well, I will not get into the details, but that is essentially what the Democrats advocated. And what do we see on the other side? The Republicans say, no, we do not like Medicare, why in the world would we want to expand it to include prescription drugs? Instead of doing that, we recognize the fact that people below a certain income, seniors below a certain income need some sort of help; and so we will provide a subsidy or a voucher for them if they are below a certain income, and they can go out and either get an HMO to cover their prescription drugs with that voucher, or that subsidy, or they can find maybe some insurance company that will just cover prescription drugs.

Well, that is not the answer. It is not the answer for a number of reasons. First of all, because the majority of the seniors would not be covered. The seniors that complain to me about not being able to afford prescription drugs are not just the poorer ones, they are the average senior. They are everybody. Obviously, maybe the people that are above a certain income do not care, but I find that 90 percent of my seniors feel that they are having a problem paying for their prescription drugs. So the Republican bill does not even address the problem for the majority of the middle-class seniors.

In addition to that, I do not think the Republican proposal works. Again, it is primarily linked to HMOs, a person's ability to find an HMO that will

cover them. We have already had experience with the HMOs, so many of which have dropped Medicare. Why should we believe this is the answer, particularly since only 15 percent of seniors are covered by an HMO? Or even worse, why should we believe if we give a voucher they will be able to find a company to cover just prescription drugs? I do not know any company that would do that. They might find one, but I feel confident it will be a pretty lousy policy, if they can even find it.

So Democrats are saying forget the ideology. Practically speaking, the only way we will get all the seniors, or most of the seniors being able to have a prescription drug program that covers most of their needs is if we put it under Medicare. Forget the ideology, forget liking or not liking Medicare, forget the fact that it is a government program. It works. This is the way to do it, and probably the only way to do it given the marketplace and what is out there.

Again, we tried to bring this up; but it was opposed by the Republican leadership. They did not want to bring it up. They brought up their own proposal, defeated ours, and even their proposal has not moved in the Senate and nothing has happened to it. So they are simply not addressing the issue at all. I suppose they would argue that this tax bill that I started talking about earlier this evening addresses it in some way by giving more money to the HMOs, but unless they guarantee the HMOs stay in Medicare and provide a prescription drug program at a certain level, I do not see how it helps. Practically speaking, I do not think it helps.

So there again, the second important health care issue that affects the average American has basically gone down in flames in this Congress. There are a couple of days left here, but the Republican leadership refuses to address it; yet they keep saying they care about the average person and they are going to do something to help.

Now, the last thing I wanted to discuss with regard to health care, and I have already touched upon it in the context of this tax bill that I talked about earlier, is the need to cover the uninsured, over 40 million. How do we do it?

Well, what the Democrats have been saying is that absent universal health care insurance, which some are for and some are against, I happen to be for it, but not everyone is even within the Democratic party; but absent universal health care, what can the government do to try to address the problems of these 40 million-plus Americans that have no health insurance? Well, when we break it down, we realize that the largest group that was not covered were children, and the second largest group that were not covered were the near elderly, people between 55 and 65 that are not yet eligible for Medicare but a lot of times find themselves, either because the working spouse died

and the nonworking spouse, usually the wife, is not covered at that age, or because her husband died she does not have coverage, or in some cases a person got an early retirement and the early retirement did not cover their health benefits. Basically, they are waiting for Medicare to cover them at 65, but for those 10 years or so they are without health insurance, and they find it unaffordable to buy it in the private market.

So what the Democrats have been saying, what President Clinton and Vice President GORE have been saying, and we actually managed to get one part of this addressed on a bipartisan basis, is let us see what the government can do to cover these people in some way. A couple of years ago we got together with the Republicans, and again I will not give them too much credit because they fought this thing tooth and nail until the bitter end, when they finally agreed to it, but they finally agreed to the CHIP program to give money back to the States so that they could sign up kids below a certain income.

Now, I want everyone to understand that this is not welfare. These are not people that are not working. They are eligible for Medicaid and are already covered. These are working people who have children, but because the employer does not provide a health care benefit or because they cannot buy it privately, it is too expensive, they do not have coverage. So we put together this CHIP program, and we covered kids up to a certain percent of poverty. But again these are not kids in poverty. I am not sure what we would call them, perhaps lower middle class, working class parents.

I have to point out also that not only did we have initial opposition by the Republican leadership to this, but when it went back to States, and particularly to Texas in the case of Governor Bush, he tried to limit the program to, I think, 150 percent of poverty rather than 200 or 250 percent of poverty. But he eventually went along with it, with I guess the Democratic legislature insisting on the 200 percent, and it was passed.

What the Democrats have been saying, or Vice President GORE has been saying, is let us raise the level of that to 250 percent of poverty or even higher. That is not really poverty, that is an income of maybe \$25,000 or something like that. But a lot of people that are making \$25,000 or \$30,000, or even \$35,000, they cannot afford health insurance for their kids if they have to go out and buy it privately. So that is what we are proposing for the kids.

With regard to the near elderly, what we are saying is we will let them buy into Medicare and pay so much a month, maybe \$300 or so a month, and they can get into Medicare by purchasing Medicare at the going rate of whatever it costs the government.

Then, as I mentioned before, the Vice President has also proposed, and I have

been in favor of the idea, of letting the parents of the kids who are in the Federal kids care program to sign up and be eligible for the kids care program as well. If we did all that, we would make a significant dent in that 40 million or so who do not have health insurance.

We could also link that to a tax deduction as well. We could also provide some sort of tax incentive or tax deduction to the employer to try to get more of them to provide health insurance for their employees, but it would have to be at a much larger amount than what Governor Bush and the Republicans have proposed.

These are the things that need to be done. Again, they are not being addressed here by the Republican leadership; and I just find it tragic that at a time when we have a surplus, and when we know that most of the American people would support these initiatives, that the Republican leadership refuses to go along with them.

I guess the last thing I want to do this evening, Mr. Speaker, is to point out that what I am proposing, what the Vice President has proposed, and what the Democrats have proposed, not so much based on any partisan ideology or any notion about Democrats being better than Republicans, but only because we have been out there and we have talked to people and we realize what can be done by the Federal Government in practical terms that would make a difference in people's lives.

I do not come down here to argue D versus R, or who is going to be President or anything like that. I really want to get things done that will help my constituents. Every one of the things I mentioned tonight is directly related to somebody or some group of people who have come to me personally and said this is what should be done. I would just give a few examples.

I can give an example of a woman who is a waitress in a restaurant in my hometown. When I am back in the district, I often go to lunch there. She came to me one day and said, I work in this luncheonette, and I have a very good relationship with the owner of the place. It is a small place. And I know the owner as well. He actually came over to me at one point and said that he really would like to provide health insurance, but given the way things are, he could not afford it. But I told her about the CHIP program and how we were trying to pass the CHIP program. I think she had a daughter. I am not certain exactly, but she hoped to get her child enrolled in the program.

When we finally did pass it and it became law and I made her aware of it, she went out and enrolled her in the program. She came back a couple of months later and told me that she had enrolled and she had the benefits. It gave me such a good feeling that I could come down here, and that we all can come here, and accomplish something. Of course, then she found out that the Vice President is now talking about letting the parents of these kids

enroll in the same program, and she is hoping that we will be able to accomplish that as well.

Then I have another example, which I have mentioned a couple of times on the House floor, about HMO abuses. I have had so many people contact my office because they were denied care, they were thrown out of the hospital early, or they could not get a particular operation that they needed. I mentioned the example with the senior citizens that were, I say, lured into this diner one night for this lobster dinner.

What we have to keep in mind is that many of these seniors, before they were in HMOs, had pretty good coverage under traditional Medicare. The only reason they got into the HMO is they thought they would get a better deal. Sometimes they are not very sophisticated about what that deal is. They do not necessarily read the fine print in the contract when they sign up. And then they do sign up and find out that it is not what it is supposed to be, or they are told or they get a notice saying they are going to be thrown out of the program within 6 months, and they do not necessarily understand that they can go back to the old traditional fee-for-service program. It has to be explained to them, and a lot of times they do not even believe that.

So this disruption in their lives, going back and forth, and the idea that somehow they will be able to choose and they will be able to make decisions easily about which program is better, to some extent it is a hoax. I would like to believe that all seniors can make intelligent choices, and I am sure many can, but a lot of people, when they become older and frail, they do not have the ability to make those choices. So they buy into these ads, either on TV or on billboards or in the local media, that convinces them that somehow this is something better, and then they are shocked when they find out it is not better or they cannot even continue with it if it happens to be a good program.

□ 1715

So again, when I talked earlier about why we are giving so much money to the HMOs and not to the hospitals, well, I had a hospital close in my district. South Amboy Memorial Hospital closed in my district and cited the fact that they had inadequate Medicare payments.

So when I say we are giving money to HMOs when the hospitals need it, I am not talking pie in the sky. I am talking about a hospital that closed and was serving people and now people have to go farther away to an emergency room in another hospital.

I know we are at the end and there is probably not much that is going to be done. But even if the only thing that we can do is correct this tax bill that the Republicans have put forth by staying here a few more days and having the President threaten to veto,

even if we can just accomplish that and the alternatives that we propose today, at least we will have accomplished something and I will feel that the last 2 years have not been in vain in this regard on so many of these important health care issues.

I am glad to see that one of my colleagues from the Democratic side is here. And, of course, the gentlewoman is the representative of the Virgin Islands and is a physician and has been very active on these issues.

Mr. Speaker, I yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I just wanted to join the gentleman in the discussion for a moment about the HMO give-backs. Because I was in Milwaukee yesterday visiting a church and one of the parishioners, a Ms. Riley, and this was at Greater Galilee Church in Milwaukee, came up to make an announcement to the congregation and in that announcement she told them that, as Medicare beneficiaries, the HMOs in their area were doubling their premiums.

I thought that was outrageous. Because I thought here they are asking for 40 percent of the Medicare give-back and they are still gouging the seniors, at least in Milwaukee, and I am sure it is happening in other parts of the country, as well.

Mr. PALLONE. Mr. Speaker, reclaiming my time, this goes right to the heart of what I have been discussing and my colleague and others on the other side of the aisle have been discussing over the last 2 years and particularly in the context of this tax bill that the Republicans put up.

What we are saying, with the prescription drug issue in particular, is we would rather have the Medicare program cover it because then they have a guarantee, they know what the premium is, they know what the benefits are, they know what drugs they are going to get, they know what the co-payment is, all those things that provide stability and I think are important for seniors. Because they look for stability in particular.

What we have now is the system where they get a notice I guess 6 months before, at least they have 6 months before they are dropped or they are told that the premium is going to double or they have a higher co-payment and they just do not know from one day to the next where they are going to be with the HMO.

I mean, this is a good example of the problem.

Mrs. CHRISTENSEN. Mr. Speaker, if the gentleman would continue to yield, is it not true that where prescription drug coverage has been tried in some States that trying to do it through providing it through HMOs is not working and that is why the Democratic proposal and the Vice President's proposal to provide it through Medicare is a much better way, it assures the seniors that it will be there when they need it?

Mr. PALLONE. Absolutely. I have mentioned before a couple times on the floor, I have not mentioned it lately, that I think it was in March sometime in the spring of this year that the State of Nevada, under Republican controlled legislature and Republican governor, passed a State prescription drug benefit that was very similar to what Governor Bush and the Republicans here in the House have proposed, basically a subsidy below a certain income. I am not sure about the income aspect, but it was a subsidy in a voucher that let people go out and buy their own prescription drug insurance plan.

For the longest time, I mean at least until the end of the summer when we got back after Labor Day, there was not one insurance company in the State that would offer the benefit. And so, the seniors were going without.

Now, I was told a few weeks ago that now there is an insurance company that says that they are going to offer the benefit. But again, I wonder what kind of benefit it is going to be and how long they will stay in the program.

I get the impression, I think it is the ideology when I talk to so many people on the Republican side, not everybody but a lot of them, it is sort of this ideological thing that, we like the fact that we are going to give them the voucher and they are going to go out and shop around because it is sort of like a capitalist thing and, so, ideologically it is very good. But so what? It does not work. I am a capitalist, too. But what is the point if it does not work?

Mrs. CHRISTENSEN. Mr. Speaker, I think the point of the gentleman is that our seniors should not have to be made to shop around for prescription drug coverage.

I would like to talk about an issue that came up today. I have joined the gentleman on the floor, as he said, several times this week on health care issues and also on education issues by the way. But today I am asking for this time, and I appreciate the gentleman yielding to me, to express my great disappointment that S. 1880, which is the Minority Health and Health Disparities Research and Education Act of 2000, was not passed with the other suspension bills today.

But more than my disappointment, I am really disturbed by some of the race baiting, ultra conservative propaganda that is being used to distract Members from the important issue that this bill would begin to address and the important role that establishing such a center at the National Institutes of Health has, the role that it would have in eliminating disparities that all people of color and people in the low socioeconomic status suffer in this country.

I think that the gaps in health care that we experience in this country is an ugly blemish on the record of our Nation and that each and every Member of this Congress should want to remove it by remedying the years of neglect and in some cases the outright

denial of health care to the citizens of color in this country.

The bill, S. 1880, is a key part to beginning this process. It was championed here by the gentleman from Illinois (Mr. JACKSON) the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Georgia (Mr. LEWIS) and in the Senate by Senator EDWARD KENNEDY. It has enjoyed wide support at the Department of Health and Human Services, particularly that of our Surgeon General, Dr. David Satcher and many in the wider health community, such as the National Medical Association and the Association of Minority Health Professions Schools under the leadership of Dr. Lewis Sullivan, who is the President of Morehouse School of Medicine and former Secretary of Health and Human Services himself.

We have also been really grateful, as we tried to work this through over the last 2 years, for the support of the now acting Director of NIH, Dr. Ruth Kirschstein.

If I might just point out one of the key provisions of S. 1880. It establishes a National Center on Minority Health and Health Disparities at the National Institutes of Health, which would conduct and support basic and clinical research, training, and the dissemination of health information with respect to the health of racial and ethnic minority groups, as well as other populations, who are suffering health disparities.

It authorizes the Director of the National Center, in collaboration with all of the other NIH institutes and centers, to establish a comprehensive plan and budget for the conduct and support of all of the minority health as well as other health disparities research activities at NIH. It establishes an extramural loan repayment program for minority health and health disparities researchers.

It authorizes the Agency for Health Care Research and Quality to conduct and support research to improve the quality of outcomes of health care services for health disparity populations. This research would focus on identifying the causes of health disparities, including barriers to health care access and environmental factors.

It also authorizes the Department of Health and Human Services Secretary, through the Health Resources and Services Administration and several other agencies, to support research and demonstration projects conducted by both public and nonprofit entities aimed at developing curricula to reduce disparities in health care outcomes, including curricula for cultural competency in graduate health professions education.

And lastly, it authorizes the Secretary to establish an advisory committee on cultural competency and health professions curricula development.

The bill is a good bill and it is an important bill. It is needed. Research

plays an essential role in understanding the disparities and in uncovering the factors underlying them and developing the points of intervention and improved methods of treatment. Such research also provides the only means by which we can derive the knowledge necessary to prevent disease.

A few points of information that will help paint a clearer picture: The gaps between life expectancies for blacks and whites have widened in recent years. Although infant mortality in African-Americans has decreased somewhat, the disparity has increased. And the same pattern is seen in Native Americans and Alaskan Natives.

Under heart disease, the data indicates that the prevalence of cardiovascular disease is higher among African-Americans than among their white counterparts. Cardiovascular disease is nearly two times higher among African-American women than among their counterparts. And recent research has shown that African-American women of the same socioeconomic status and education level, with everything being equal, they are the least likely to receive the diagnostic tests and the treatment compared to other women.

In cancer, despite significant advances in the detection and treatment of several forms of cancer, the data continues to indicate that communities of color continue to suffer disproportionately in terms of occurrence, the lateness at which the cancer is discovered and death from cancer.

And AIDS we have talked about a lot. African-Americans comprise approximately 12 percent of the population, yet we are 37 percent of those diagnosed with AIDS since the beginning of the epidemic.

In 1998, the rate of reported number of new AIDS cases was eight times higher among African-Americans than among whites. And we could go on and on.

So I just wanted to say in closing that this bill was been worked on on a bipartisan basis in the committee. It went through the normal committee process before it was brought to the floor. It passed the Senate unanimously, which indicates that Members in the other body with widely disparate views supported this legislation. It was on the suspension calendar today. It was pulled.

I just want to ask my colleagues who are opposing the bill to take another look at it, work with us, withdraw their objection to the bill, and I ask the leadership of the House to work together to bring the bill back to the floor and have it pass before we leave to go home, if we ever leave to go home.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman for her remarks. I hesitate to put this in the context of everything else I have discussed tonight, but unfortunately it seems to fit the pattern where the Republican leadership does not want to

address so many of these health care issues.

But unlike with most of the things I discussed tonight that are probably too late, it is not too late for that of the gentlewoman. I hope we can get the leadership to bring it up on suspension.

Mrs. CHRISTENSEN. Mr. Speaker, and the leadership on both sides have been willing to work on bringing it back. There are some objections on the other side of the aisle and from some conservative groups in the country which have sent e-mail wrongly identifying the bill as a quota bill. It does not provide a quota for research. It does particularly state that minority research would be done because we are the ones who experience these disparities that must be eliminated. But it also does not exclude anyone. It is for any population group that experiences disparities and gaps in their health status and their access to health services.

Among those would be our rural citizens. People in the rural areas of this country are also suffering from disparities in health care regardless of their race or ethnicity. And so, we feel that the bill is important. I think to the extent that there are citizens in this country who still do not have access to health care who do not enjoy the same quality of life as others because of health disparities, the country's health in general suffers and I think it is something we need to address.

This bill, which has been worked on for many years, as I said, has been worked on on a bipartisan basis with the Department, the Congress, the White House, nonprofit national health organizations for years. Is a good bill and we would like to have it passed. It is past due.

Mr. PALLONE. Mr. Speaker, I agree with the gentlewoman. I am glad that she came down to voice her concern. As I said, although some of these larger issues probably cannot be addressed in the last few days that we are here, certainly her issue and I think the whole issue of changing the priorities in this tax bill so that we address the problems of the providers, the hospitals, the nursing homes, the home health agencies, and also trying to make sure that whatever money we give to the HMOs has some strings attached so that we know that they will stay in the Medicare system for our seniors.

□ 1730

These things still can be addressed. You and I will work together and keep speaking out to make sure that in the last few days they are addressed.

Mrs. CHRISTENSEN. I thank the gentleman for yielding on something that I feel is very important. I look forward to working with the gentleman on these health care issues and other health care issues.

Mr. PALLONE. Let me say, Mr. Speaker, that again I know we only have a few days left here; but we certainly, and I will speak for my Democratic colleagues in the leadership, are

going to continue to push every day and every night both on the floor, during the legislative day and as well as during the Special Orders at night to make sure that these health care initiatives are addressed and that these concerns for the average American with regard to health care are met.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). The Chair would remind Members that it is not in order in debate to characterize Senate action or inaction.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Mr. Speaker, I appreciate this opportunity to address my colleagues and to talk about, in fact, the exact same subject that my colleague from the other side of the aisle, from the Democrat side of the aisle, just addressed. He talked about a wide range of medical issues. I am going to do that in this hour as well, but I am going to begin by focusing on the issue of patients' rights legislation, the issue of HMO reform, the issue of managed care reform. After I have spent some time on that and focused on why that issue is so critical and why I so strongly disagree with much of what was just said and how sad I think it is that this debate has boiled down to this struggle where one side is saying the other side is just carrying the water for a special interest, then I would like to turn perhaps in the latter half of the hour to the issue of the Medicare drug benefit and perhaps other topics that are worth talking about and that were raised in the remarks in that regard.

Again, I want to focus tonight on the issue of patients' rights legislation, the issue of a Patients' Bill of Rights, the critical question facing our country of managed care reform, HMO reform. We are in the midst as everyone knows of a political campaign. There are ads running across the country saying that it is sad that my party, so these ads say, has blocked, the Republican Party, has blocked the passage of patients' rights legislation. I simply want to start by saying that is not true. Indeed, the opposite is true. We have worked very hard to pass patients' rights legislation that will help patients. That is the key difference. Sometimes it is said that the devil is in the details and the devil is in the details.

In this case there are two competing ideas on patients' rights legislation: one is the idea advanced by Democrats, the idea which they are pushing, the idea which their ads talk about, the idea which the President is saying he supports; and that proposal sadly does

not help patients. That proposal helps trial lawyers. Rather than just talk about that, I am tonight going to explain exactly, precisely, how their legislation would advance the cause of trial lawyers but do literally nothing to help and in fact hurt patients and weaken the position of doctors to control health care in America. I think that is the debate that needs to occur.

I think we need to understand why, yes, patients' rights legislation is vitally important for this country. There are serious problems in managed care. But how you enact that legislation, what it does, is so critically important and why, sadly, the bill that the Democrats are advancing, and they call it a patients' rights piece of legislation, in fact is fatally flawed in its structure, because instead of giving patients more power, instead of giving doctors the ability to set the standard of care and to decide how patients are treated in America, that legislation takes power away from HMOs, and that is good, but instead of giving that power and that authority to set the standard of care in America to doctors where it belongs and to patients where it belongs, their legislation gives that ability to trial lawyers to take the issue directly to court.

We have heard just a few minutes ago in the rather partisan remarks by my colleague from the Democrat side that the Republicans are for the special interest of HMOs and that Democrats are for the people. Sadly, that charge is just flat false. Let me start with my position. I have been passionately fighting for patients' rights legislation, the right patients' rights legislation, for the last 2 years. I have met with countless doctors from all over the country, many in my State, I cannot tell you how many, my own medical association in Arizona; and I have talked with them for hours and hours about how do we go about fixing the problem with managed care in America, how do we deal with the problems that have been created by managed care in America.

In every one of those conversations, I have never once heard, well, Congressman, the way to fix it is to let lawyers step into the middle of the process, take a claim by an injured patient, take my request as a doctor to get my patient care and have a lawyer step in and rush to court and file a lawsuit. Never has a doctor in America in my home State or anywhere else that I have met with said the answer to this problem is to let the trial lawyers address the issue. The reality is we do need patients' rights legislation to change managed care and to make it more pro-patient and more pro-doctor.

But we need legislation that will accomplish that goal, that will take power away from the managed care industry, to tell doctors how to treat their patients and move that power over to patients and doctors to determine what the standard of care ought to be in America.

I am adamantly for managed care reform, and I am a Republican and I have fought for that legislation since I have gotten here. One of the offhand remarks of my colleague just a moment ago was that the conference only met a few times. Well, my colleague was not on the conference. I was on the conference. We spent countless hours trying to reconcile the differences between a pure trial lawyer piece of legislation that will not help patients and a piece of legislation that would advance the cause of doctors and patients. I am going to explain that in my remarks. I tell you that every other Republican with whom I served on that conference committee and the Speaker himself who was asking in the last several weeks to try to bridge this gap and try to pass legislation, they are all adamantly for the passage of meaningful legislation that will empower patients and doctors and solve this problem.

As to my own bona fides on this issue with the gentleman from Oklahoma (Mr. COBURN), who is going to join me later in this Special Order, we wrote the Coburn-Shadegg managed care reform bill, the Coburn-Shadegg patients' rights legislation. That bill would have put the emphasis precisely where it should be. It would have empowered doctors and patients to resolve medical questions, doctors in consultation with their patients to set the standard of care; and it would not have given that power over to trial lawyers. It is sad that it has gotten tied up in this kind of a debate, but it has.

Everyone who understands managed care reform understands that we need to reform the system in a way that will be pro-patient. Let us start with why we need managed care reform. It is important to understand how managed care works in America. It was a reform idea itself to try to hold down the costs of medical care in America. In that sense, it has worked to some degree; but sadly it has been abused, and it is susceptible of abuse and we need to fix that.

Let me talk about why we need to fix it. Right now in America, in our managed care system, a given doctor meets with his or her patient, does an examination and decides the patient needs a particular type of care. And so that doctor makes the recommendation for the care and goes to their managed care plan and says, "My patient needs this care." There is an initial review of that claim, sadly often by an HMO bureaucrat, not a medical personnel, but a nurse or someone else; and let us assume it is turned down by the plan. There then is in some instances an internal appeal, an appeal to doctors at the managed care plan. If you follow that structure, if there is no appeal beyond that, you have a doctor, a treating physician, saying that his or her patient needs care. And then you have a managed care bureaucrat, an HMO bureaucrat, saying, no, you do not get the care. That is where the first point of abuse is.

In America today under that system, a managed care bureaucrat can turn down the request for care by the treating physician, and they can turn it down perhaps for the wrong reason. They can turn it down to protect the profits of the managed care company, rather than to protect the care of the individual. I have been working on this issue, and I have been in my district when hundreds of people have talked to me over time about how they or a member of their family, their mother, their father, their daughter, their sister, their brother was abused by a managed care company when the treating physician said my patient needs this care and the HMO denied the care for a specious reason.

So what is wrong with that structure? The thing that is wrong with that structure is that under that structure, the managed care plan, the HMO, is telling the treating physician how he should care for the patient. In medical jargon, that really means the managed care plan is setting the standard of care for any individual patient under a set of circumstances. That is crazy. Managed care plans are essentially insurance companies. They ought to try to hold down excessive costs, but managed care plans should not set the standard of care. HMO bureaucrats should not tell doctors how to treat patients. That ought to be a decision made by doctors. They were trained to practice medicine. HMO bureaucrats were not trained to practice medicine. So the current system is backward. It lets doctors be told how to practice and how to treat their patient and what the standard of care in America is for a given set of circumstances by an HMO bureaucrat. So that is why I fought for managed care reform. They can deny that care for monetary reasons, not reasons of care.

The second reason that we need managed care reform is actually a tragedy, and it falls into my own area of expertise. And, that is, that as a result of, I believe, an unintended consequence of a Federal law called ERISA, a managed care company in America today can deny care; and if they negligently deny care, in that example I just gave, they make a mistake when they said the treating physician may not provide this care, if when they do that the patient is injured or dies, there are no damages. There is no recovery. That managed care plan can simply walk away and say, "Wow. Our mistake injured or killed somebody, but since we're a managed care plan and we are operating under this Federal law called ERISA, we can't be held accountable." I think that is an outrageous structure for the law. Every one of us knows that if we make a mistake, if we, let us say, run a red light at an intersection and our negligence injures or kills somebody, we are responsible for that injury and hopefully our insurance policy will make the injured person whole, will pay damages for them. Sadly, even though every business in America,

every homeowner in America, every car driver in America, every one of us in America is legally accountable when we injure or kill somebody, that is not the case for federally governed ERISA managed care plans. They have as a result of this Federal law an interpretation of it by the United States Supreme Court, immunity. They cannot be held liable when they injure or kill someone. That is a tragedy, and it should be fixed. That is why I have fought for patients' rights legislation and fought to hold plans accountable.

The best story on that is the story of Mrs. Corcoran. Mrs. Corcoran became pregnant. She was an employee of Southern Bell in Louisiana. It was her second pregnancy. She applied for benefits. Her treating physician was treating her through the course of the pregnancy. At one point he told her she needed to go to the hospital, to be in the hospital for the balance of her pregnancy so that if there was a problem with the baby, and it was her second pregnancy and she had had a difficulty the first time, he said, If you're not in the hospital, there is a danger you will die or a danger your baby will die.

Tragically, her HMO denied her that benefit and said, No, we won't pay to put you in the hospital. We'll pay for a little bit of home nursing, somebody to come by and visit you. Even more tragically, the worst possible circumstance happened. While Mrs. Corcoran was home, her baby went into distress, still in the womb; and notwithstanding that they did everything they could, her baby died as a result of the fact that she was not in the hospital. Mr. and Mrs. Corcoran, tragically hurt by this event, filed a lawsuit to recover damages; but of course, they did not sue their doctor. Their doctor had done the right thing. He had said you should be in the hospital but their HMO had said, No, I'm sorry, we won't put you in the hospital and we won't pay for it. Under the current Federal law, the law provides that the Corcorans cannot recover, could not recover, did not recover any damages for the death of their child. That is an outrage, and it has to be fixed.

The next question is, why then, Congressman, have you not embraced and why have Republicans not embraced the Democrat Patients' Bill of Rights? There is a simple answer to that, and I am going to explain it here today. It is because the Democrats' Patients' Bill of Rights will not help Mrs. Corcoran. The Democrats' Patients' Bill of Rights would, in fact, hurt patients. It would, in fact, hurt doctors. It would, in fact, hurt businesses across America; and it would, in fact, cause more uninsured Americans. There is one group that the Democrats' Patients' Bill of Rights would help and there is one group that is supporting the Democrats' Patients' Bill of Rights, and that group is tied to them through contributions, and that is the trial lawyers.

□ 1745

The Democrats' Patients' Bill of Rights, the bill that has been debated on this floor, the bill that the President says he wants to pass, moves power away from HMOs and moves it directly to not doctors, not patients, it moves it directly to lawyers. That is a problem, and let me explain how that Democrat Patients' Bill of Rights, it is known as Dingell-Norwood, works. The Vice President referred to it in the debate the other day. I do not know that the average American out there listening knows the word Dingell-Norwood, so I am just going to refer to it as the Democrat Patients' Bill of Rights, but it is the bill that Vice President GORE wants us to enact. It is the bill the President has asked for us to enact.

If you live in a congressional district where there is a commercial running right now, it is the bill when they say pass a Patients' Bill of Rights, they want you to pass the Democrat Patients' Bill of Rights, the Dingell-Norwood Patients' Bill of Rights, which will not help patients, will not help doctors. It will cause a flood of lawsuits.

Now, let us start kind of with a fundamental issue in this debate, and to do that I want to refer to a chart. This chart asks the basic question that anybody concerned about health care ought to ask, and that is health care in America, who should make medical decisions? Right now one issue is, well, should HMOs make medical decisions? We just talked about how under the current structure HMOs, managed care companies, indeed maybe even managed care bureaucrats, get to make medical decisions. Should HMOs make decisions? I do not think so.

Another alternative is the one I favor, and that is the one here at the bottom; and we have put a red check to show that is where I believe the power ought to be. Should patients and doctors, or doctors in consultation with their patients, make medical decisions? I think the answer to that question is obviously that as between HMO bureaucrats making medical decisions, what should be the standard of care, what course of treatment is right for a particular patient, should that be decided by a treating physician talking to his or her patient or should it be decided by some HMO bureaucrat? That is a no brainer. I hope everyone in America agrees it should not be an HMO bureaucrat. It ought to be the doctor, the treating physician, who has touched you, who knows you, who has known you perhaps for years, who has looked you in the eye and assessed your medical condition and says, this is what we ought to do for your care. It should not be a bureaucrat at the HMO who has never seen you and has just read kind of a cold chart.

That is where this debate ought to be. It ought to be between HMOs making those decisions and doctors and patients making those decisions, and that ought to be the fight that is going on

right now and on that one I think we win. It ought to go to doctors in consultation with their patients.

My friends who are doctors tell me that the practice of medicine is more art than science, and what they mean by that is that the doctor that is treating you, the doctor that knows you, your own treating physician, can sense what really ought to be done about your condition. The problem with giving this power to HMOs is that that is a cold bureaucratic decision often made by somebody who is not even trained as a doctor, perhaps made ultimately by someone that is a doctor but has not practiced medicine for many years because they could not hack it in the practice of medicine. It should not be made by that person who has never touched you or felt you or looked in your eye or tried to assess in conversation what is really wrong with you. It ought to be made by your treating physician.

So what is this middle line doing here? Why are lawyers in the discussion? Well, the answer is, they should not be. Lawyers should not be a part of this discussion. We need to write a patients' rights piece of legislation that drives care, a patients' rights legislation or patients' rights bill that incentivizes or encourages the system and the managed care company to deliver the best possible care at the earliest possible moment, and that is the goal.

The goal is the best care at the earliest moment. I think that happens when a doctor, after consulting with his or her patient, says this is the care that is right. But how are lawyers in this discussion? Well, the answer is, some people who want to reform managed care really do not really care about patients and doctors. What they care about is litigation. Sadly, what they want to do is create a structure where you do not get care very quickly because your HMO decided to approve the care recommended by your doctor. You do not get care very quickly because an independent external review panel said your HMO, when it denied you was wrong and darn well better deliver that care, what they say is, we really need to turn this whole thing over to lawyers. We need to turn it over to trial lawyers. We need to let the trial lawyers get to court quick so that those trial lawyers can drag this out in a nice long lawsuit. Do not mess with the doctors. Just get in front of a judge, drag the lawsuit out and if nothing else perhaps if we do not have a meritorious case, we can exact some kind of a settlement.

I said earlier that the Democrats' bill, the Dingell-Norwood bill, is tragically flawed; and it is. This issue has been little discussed on the floor, almost not discussed anywhere across America, but if you hear the President or the Vice President call for patients' rights legislation, you need to know the bill they are asking for is Dingell-Norwood; and you need to know that

bill will not let your doctor make the decision. It will take down a restriction that exists in the law right now and let your lawyer, if you get one, quickly rush off to court and perhaps win himself a large settlement of which he gets a third, or 40 percent.

Now, I believe in the tort system. I think if somebody hurts you, you ought to be able to recover your damages; but I sure do not think our first goal in patients' rights ought to be to empower lawyers. I think it ought to be to incentivize the best possible care at the earliest moment.

I want to move to one more chart. It is a chart that is a schematic of the Democrat Dingell-Norwood bill, and I apologize for having to do a schematic, but it is how we can illustrate what is wrong with the Democrat legislation and why if you hear a commercial that says, by gosh, we need patients' rights legislation, you are right, we do need a patients' bill of rights; but we do not need the flawed Democrat bill. We need a bill that will get you the best care at the earliest possible moment; not a lawsuit.

Let me explain this bill, and we will walk through it. We talked about your doctor consulting with you and then making an initial claim. Often unfortunately that is currently done through some bureaucrat at the HMO, and they may turn you down. The next step under the Democrat's bill is a good one, and that is you ought to have a right to get to a doctor at the HMO. That is called internal review. You ought to force the HMO not to let a bureaucrat turn you down. The HMO ought to have to hire a doctor to make a review of your case. Hopefully, that doctor will say you get the care, rather than deny you. So that is a good step. That is a step in the right direction.

Everyone in America ought to have an internal review by the plan and let the plan make the right decision. But if they do not, the critical question in managed care reform, the critical question for patients' rights legislation, is what do we do next? I argue the answer is that in every case, what we ought to do after internal review, if this managed care company, this HMO denies your treating physician and you the care you need, the next step ought to be an external review, what we call an external review. That is not complicated. What it is is that if the plan will not give you the care you need after their doctor has looked at it, you ought to have a right to get to three totally independent doctors and to have those three totally independent doctors review your claim.

Now when I say totally independent, what do I mean? Well, the law that we talk about would say that these doctors have to be selected independently. They cannot be controlled by the HMO. They cannot be hired by the HMO. They cannot have a conflict of interest because of their connection with or their income from the HMO. They have to be totally independent of the HMO

so they can make an unbiased decision. Obviously, they also need to be independent of your own doctor. So they are truly experts. In our bill, we call for them to be practicing physicians, with expertise in the field, who are independent of the HMO and independent of you and your treating physician.

Our goal is to have that external review panel of three doctors make a quick decision; yes, the patient deserves the care, the plan was wrong and, by the way, HMO, if you do not give them the care and they get injured or they are injured, then you not only are going to be liable for the care you should have given but you are going to be liable for all of their economic damages, you are going to be liable for all of their pain and suffering; and if the plan acts in an arbitrary and capricious fashion, then you are going to be liable for punitive damages.

The bottom line here is that there ought to be a review by three doctors very quickly, and we have an expedited time frame to do that. Here is the flaw with the Democrat bill, and here is why you see this little red circle with a bar through it. It is probably hard to see on the TV, but you see under the Democrat Dingell-Norwood bill you do not go to external review. As a matter of fact, that will never happen under that bill. It will literally never happen, and the three doctors over here will not get to set the standard of care by telling plans how they should treat patients. They will not get a chance to say was your treating physician right or was the plan right. They will not define the standard of care in America because under their bill there is this gigantic loophole, and it is the lawyers' loophole.

Here you see the arrow going down. It says, well, guess what? The minute you finish internal review you can go straight to court. We do not really want an independent panel of doctors to make a decision. We want some aggressive trial lawyer to go hire his own expert witnesses who will interestingly always side with the trial lawyer, and file a lawsuit.

Now, I said earlier in all of my conversations with doctors across America, and I have talked with literally, I think, hundreds, not a single one of them, not in Arizona, not anywhere else that I have met with them, have they said, you know, Congressman, we really think the way to solve the problem with managed care in America is to get people to lawsuits, because lawsuits will deliver care. Indeed, none of them have said the problem with managed care is that we do not get to court quick enough. What they have said is, the plan can turn us down and we could get an independent group of doctors to review our request. So this is the loophole in their bill; and it is why, and I said earlier, that the Democrat's bill is fatally flawed. They talked about how Republicans favor the special interests of HMOs. The legislation I favor lets

HMOs be sued, lets them be held accountable, says if they kill Mrs. Corcoran's baby they must pay damages. But it does not carve a loophole to prevent people from getting quick care and the proper care by letting the case go to court. It rather is legislation that says get them care.

If you talk about special interests, the Democrats have a special interest that my colleague on the other side did not talk about a few minutes ago, and that special interest is trial lawyers. That is why they created this loophole. This, by the way, is a structure that takes power away from HMOs and hands that power to trial lawyers. That is crazy. What we do need to do is take power away from HMOs to decide how you should be treated, or your wife or your daughter or your son. You need to take that power away from HMOs and put it in the hands of your treating physician and in the hands of an expert panel of independent doctors.

That kind of takes me to the structure that we have proposed; and you see here it says, the compromise patients' bill of rights, and it is a simple structure. It is a structure that incentivizes or encourages the best possible care at the earliest possible moment, because that is what managed care reform ought to be about. Tragically, my friends on the other side of the aisle, Democrats, adamantly to the death oppose this structure. They say absolutely not. We need the trial lawyer plan. We do not need the plan that empowers doctors and patients.

Let us talk about how this structure for the bill is different; and again I apologize, but a flowchart really does kind of let you understand the legislation. Here in the legislation we are proposing, the legislation we have begged the American Medical Association to endorse, there is first an initial claim just like the Democrats' bill. Then there is internal review, just like the Democrats' bill in Dingell-Norwood; but you will notice there is no loophole here. We do not let the lawyers cut off external review. What we say is that if the plan turns you down at external review and says to your treating physician, no, we are not going to give you the care, you would have an immediate right, indeed we have three different time procedures, one for extremely urgent situations where it is within a matter of hours you would have a right to get to external review. If it is less urgent, there are two more time frames for less urgent circumstances. But if you were denied that internal, you would get to go within hours in an emergency situation to the external review that I talked about, and that external review is conducted by three independent doctors who will get to judge the recommendation of your treating physician that my patient needs an MRI, and judge the decision of the managed care company that, no, your patient does not need an MRI.

Those three independent doctors would have to be practicing physicians,

as opposed to physicians who quit years ago because they could not make it. They would have to be experts in the field, and they would get to make a decision.

Now, here is the key: that can happen within hours under certain circumstances and once that happens, and it may be hard for you to read but right here it says, the HMO is bound by the decision of this medical panel and the patient receives the care. You can see that this is a quick process. It happens very quickly. By the way, there is no lawyer yet. The lawyer did not get in here. The lawyer did not get to take the case off to trial court or get into discovery and try to extort a settlement. This went straight through. It went through internal review, and it went to the external review; and if the external review panel says the treating physician is right, you get the care. Sadly, the Democrats do not like this bill because it cuts trial lawyers out to that point in time.

Now, what do we do about the people who are truly injured? Well, we say in our legislation, if as you have been going through this process you were injured, not only do you get the care here but now you have the right to go to court after the plan has been told to deliver the care, you have the right to go to court and you have the right to recover your damages. So it is not that we are against giving people access to trial lawyers. I have many friends who are trial lawyers, and they do a great service for people who are truly injured. It is not that we are against the tort system. Indeed, I am outraged by the fact that Mrs. Corcoran, under the current structure of the Federal law, her baby was killed by a managed care company, and they did not have to pay a dime. They just got to walk away. But the issue is where do you put in legal accountability? The Democrats, the Dingell-Norwood bill, lets lawyers jump in right up front, boom, here we just get to go straight to court.

□ 1800

Our bill says, no. Let us let a panel of three independent doctors make the decision, and then, if the plan is wrong and someone has been injured, then let us go to court. Let us let someone recover their economic damages; if they lost time from work, they ought to be able to recover that. If they have suffered pain and suffering as a result of this wrongful decision by the HMO, perhaps motivated by their desire to keep their profit line looking good rather than the patient's need for health care, then they get to recover their economic damages, they get to recover what we call their non-economic damages, which means their pain and suffering, and if the plan did not follow the instructions of the external panel, then there are punitive damages on top of that. But we can see that this structure is designed to empower doctors, not lawyers, and that is the huge difference. That is the debate that has been going on.

Sometimes in the last few days when I have been thinking about this issue, I thought, how could it have been so complicated for 2 years for us not to get across the issue and explain to the American people, patients' rights legislation is vitally needed, but the bill they want, the bill the Democrats are pushing on us, the bill they talked about in their ads and the bill the President will probably speak about many times between now and election day, the bill that the Vice President will talk about many times between now and the election does not help doctors; most importantly, it does not help patients. What it helps is trial lawyers. We want a bill that empowers doctors to decide what care should be, what the standard of care should be.

I have to tell my colleagues, and in a moment I want to discuss these issues with the gentleman from Oklahoma, I have to say that I am amazed. If the Trial Lawyers Association were actively advocating this structure, the structure where one gets to court, but they do not get to a panel of independent doctors, I could understand that. But what puzzles me and what I do not understand is that the American Medical Association is supporting that structure, the trial lawyer structure, and I do not understand, and I hope some day they will explain to me, why the American Medical Association is not supporting a structure that will empower doctors rather than lawyers.

We do need to diminish the ability of managed care companies to hurt people. We do need to take away from HMOs the ability to set the standard of care. The standard of care in America ought to be set by doctors who are trained in medicine. But, when we take that power away from a managed care company and move that power somewhere, I suggest it would be a tragic mistake to, as the Democrats propose, move that power, to decide how one should be treated as a patient who needs medical care, to move that power to a trial lawyer, rather than moving it to a trained physician; in our structure, to a panel of trained physicians who will tell the HMOs exactly what the standard of care ought to be.

For perhaps any doctors listening across America, in my own city of Phoenix, and the reason I care about this issue, the managed care penetration is so deep, they have such power.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The Chair would remind Members to direct their remarks to the Chair and not to the television audience.

Mr. SHADEGG. Mr. Speaker, let me point out that in my State of Arizona, there are so many managed care companies that a doctor that does not sign up with an HMO, indeed with several HMOs literally can barely survive economically, and yet we look at the structure that currently exists where HMOs tell practicing physicians what care they can and cannot deliver, one

can imagine that the doctors in my State are enraged at that structure.

Mr. Speaker, the doctors in Arizona, and I have talked with hundreds of them over the last 2 years, they want a structure where doctors set the standard of care and where doctors tell HMOs how patients should be treated; where doctors tell the managed care company, this is the right kind of treatment to give to a patient. The doctors in Arizona, at least, and the other doctors I have talked to, do not want to turn that ability to set the standard of care over to lawyers or even to encourage more lawsuits. You bet: If somebody is injured, then, in fact, a trial lawyer should come in and recover for their injury, and indeed, I wish that Mrs. Corcoran, I wish we could have passed this law in a way to allow Mrs. Corcoran and her husband to be made whole for the managed care company's decision that killed their baby. We cannot do that for them, but we can do that for future people, for someone tomorrow.

That is why I have worked so hard here at the end of this session, desperately around the clock, with everyone involved in this debate, to try to pass a patients' bill of rights that would correct these problems in a way that will help patients and will help doctors.

Mr. COBURN. Mr. Speaker, if the gentleman will yield, I wanted to clarify and ask the gentleman a couple of questions. Several times in the gentleman's discussion, he used the word HMOs. What we really also mean is managed care, which means PPOs and managed insurance products that deny one adequate care. I believe that is correct, is it not?

Mr. SHADEGG. Mr. Speaker, I used the term HMOs to refer to a broad array. Some would argue that PPOs are a little bit different, that one gets a little better care under a PPO. But fundamentally, we are talking about managed care companies and HMOs, which are health care management organizations, whose job it is to manage the care, and it is these managed care companies or HMOs, and now as they are kind of morphing themselves into the latest version which is a PPO, we are talking about all of these structures under which someone other than the treating physician gets to make the decision.

In our discussions of this in the past, the gentleman has pointed out that if you have a fee-for-service plan, your doctor gets to make these decisions. There is not someone second-guessing him. Of course, it does not matter to me whether we are talking about the doctor being second-guessed by an HMO or being second-guessed by a managed care company, or being second-guessed by a PPO. The fundamental issue is, if the plan one is in gives some insurance company bureaucrat or some insurance company employee the power to deny the treating physician the ability to deliver the

care they think is appropriate, there ought to be a quick appeal and they ought to get a quick answer so that the patient can get the care he or she needs.

Mr. COBURN. Mr. Speaker, I want to thank the gentleman for taking the time on the House floor on an evening when we are supposed to be either home in Oklahoma or home in Arizona working with our constituency to explain this.

I want to just kind of go through those charts with the gentleman for a minute, because I see another big defect in the Dingell, or the Norwood-Dingell bill that is so espoused by President Clinton, Vice President GORE and the American Medical Association. I also want the Members of this body to know that the American Medical Association represents 25 percent or fewer of the physicians in this country.

I happen to be a member of the American Medical Association, as the gentleman knows, and I am amazed at the position that the American Medical Association has taken on this bill.

But the point I want to make is that the bill that the gentleman and I designed, its first goal was designed to give people care and give it quickly and appropriately. And the bill that Norwood, Dingell has passed, or passed the House, but not passed the Senate, thank goodness, was not designed to give care quickly. What it was designed was to give a revenue source for the trial bar so that we would in fact punish the HMOs for bad actions in the past. It is almost like it is a revenge bill.

But the point I want to make is what we tried to do is create a system where everybody learned. Think for a minute. I am a practicing physician. Since I have been in Congress, I have delivered over 400 babies, and I have delivered almost over 3,500 in my career. I have three great partners who are covering for me. I should be there and on call tonight, but they are kind enough to cover for me.

What has happened in terms of what we have designed is that if a doctor recommends a treatment that is not appropriate as judged by a 3-doctor panel, a couple of things happen. Number one is the doctor learns, the doctor improves, the doctor gets up to speed on where he or she should be in terms of the latest professionally accepted standards of care.

Mr. Speaker, in Texas where they have a bill similar to what we have proposed, 45 percent of the time the doctor panel finds that the doctors are wrong. Well, what is good about that is that it improves the care. The other part of the time, the 55 percent of the time when the plans have been deemed to be wrong by the doctor panel, the plans learn what is or is not appropriate care. If we bypass all of that and send it to court, we do not get the benefits, number one, of improving the quality of care and educating the managed care company; we bypass all of

that, and we spend a tremendous amount of dollars doing that, and the loss is, we do not improve care for the next person.

Mr. Speaker, that is one of the most important aspects of our bill, besides getting care and letting doctors decide, independent doctors, is we designed a system under which we would raise the level of care and the quality of care for everyone in America, whether they had insurance or not insurance, HMO or PPO or managed care, but that doctor who got turned down learned something by being turned down. So therefore, the next time they saw that situation, they were improved in the quality and skills and care that they gave.

Mr. SHADEGG. Mr. Speaker, if the gentleman would yield just on that point, it occurred to me as I listened to the gentleman precisely the point the gentleman is making with regard to improving care. I think it is very important to understand that.

Under the structure we have talked about, if immediately following internal review by the plan, one wants to appeal and one gets to appeal immediately to an external panel of doctors, one has a chance for that panel, the gentleman said, to educate the plan on the care they ought to be delivering, and once the plan has been told a couple of times by that external panel, no, you should not be denying care under this set of circumstances, you can bet the plan will quit denying care under that set of circumstances.

The other scenario, the trial lawyer scenario, I used to be a practicing lawyer and I have tried my share of lawsuits, I can tell one thing that never happens once you get into litigation, you almost never settle. You polarize physicians at the extremes.

So under the structure we are talking about where you go to internal review and you quickly go to external review and the panel tells the HMO the plan they should be delivering, there is a chance for education and reconciliation and for everybody to learn what the standard of care ought to be and for the care to be given as quickly as possible.

Mr. Speaker, I just want to make the point that under the alternative structure where we go from internal review straight to lawsuits, what we have is two polarized, extreme positions, with the lawyer for the plan doing battle and going to war with the lawyer for the patient, and it is not a reconciliation, and there is no education.

I just have to make one other comment. George W. Bush, the Republican candidate for President, in some ways almost characterizes this perfectly. He says, for too long the partisan fights back here between Republicans and Democrats have kept us from getting anything done. He says, I am going to come to Washington and bridge that partisan fight and try to bring Republicans and Democrats together to get something done. It occurred to me that the partisan structure where we have

been fighting each other for the last several years in this Congress and doing more for the lawsuit structure. The plaintiff's lawyer says, the defense lawyer is wrong and the defense lawyer says the plaintiff's lawyer is wrong. We have this war going on. Instead, we could have a reconciliation.

It just occurred to me that is exactly what George W. Bush is saying to America. Let us not have that polarized, pitched fight. Let us try to talk to each other.

Mr. COBURN. Mr. Speaker, if the gentleman will yield, I wanted to make one more point. As a practicing physician who has been exposed to liability in the past, one of the things we know is that if we do what the Dingell-Norwood bill would set forth, the one thing we do know is that costs would rise significantly. The second thing we know is there will not be any learning history, because the ideal will be to get a patient and sue a managed care plan rather than to change the behavior, either on the part of the HMO or the practicing physician. We ought to incentivize people to do what is right. We should not incentivize additional torts in this country.

In terms of full disclosure, I want everybody to know, I voted for Dingell-Norwood. I made a commitment to the gentleman from Georgia (Mr. NORWOOD) to do that, not because I agreed with the bill, but because I wanted to move the process along; because I, like the gentleman, believe Mrs. Corcoran and the future Mrs. Corcorans have to have a remedy; that if, in fact, somebody does something wrong to them, they have to have a remedy.

It is amazing. My brother-in-law would find it really ironic, as much as the doctors have railed against trial lawyers, they have done us great service in many areas in our country, and we do need to have a mechanism for remuneration and remediation for when somebody is injured. However, we do not need, and what this Norwood-Dingell bill does, is create a system where all the money is not going to go to health care, it is going to go to the trial lawyers.

Mr. SHADEGG. Mr. Speaker, I very much appreciate the gentleman bringing up the fact of cost. I was here on the floor during the previous Special Order by our Democrat colleague.

□ 1815

I heard a lot of railing against the Republicans backing special interests and they do not care about people and they are just for the HMOs. They hate little people and do not care about it. That kind of rhetoric I do not think is very productive, and I do not think it helps bridge the gap and solve problems in America.

But I thought it was interesting that in the close of his remarks, he said he had had a conversation with an employee at a restaurant he frequents. And I have actually been to his district a number of times, and I have a friend

who has family in that district. It is on the beach in New Jersey. The gentleman talked about a friend that worked for a restaurant, and she would very much liked to have had health insurance, but her employer, with whom she had a good relationship, could not afford to provide that insurance.

It is important to understand that if we do this wrong, if we drive our system to lawsuits rather than care, if we encourage many, many lawsuits to be filed, and the latest structure is that they want to be able to bring these lawsuits in State court and in Federal court, if we encourage too many lawsuits, if we turn the system over to the trial lawyers, then costs are going to go up.

The structure we have tried to encourage goes at this issue of cost. It says, if Americans are injured, they ought to have the right to go to court. I have many, many good friends in Arizona who are trial lawyers who I respect immensely. I talked to one just a few hours ago back in Arizona, and he has helped me immensely to learn about this issue. He wants to be able to go to court when he has a genuinely injured patient that an HMO has injured. But I do not think he wants to be able to run off to court and have lawsuits filed under frivolous circumstances.

That is a point we have not talked about. The structure that we have asked for where every case would go from the initial denial by the HMO to this panel of expert doctors who would decide, is a treating physician right and the patient ought to get the care or is the plan right and they should not get that care, that mechanism will screen out frivolous lawsuits. It is the frivolous lawsuits that will be turned down by that mechanism. The meritorious lawsuits where this panel of three expert physicians says, no, this plan was dead wrong; the injured party goes to court and they get to recover damages and get to be made whole.

But, Mr. Speaker, if we encourage too many frivolous lawsuits, if we encourage lawyers who are not conscientious to be able to file a lawsuit in Federal court any time they want and muck up the system with an excessive number of lawsuits, costs will go up.

One of the things that we have not talked about here is that issue of cost and its implications for the uninsured. We cannot get into a long discussion about the uninsured, but that is one of the tragic problems here. We have too many people in America, 44 million, who are uninsured. If we drive costs up further, then we are going to have even more uninsured.

As the gentleman from Oklahoma knows, I believe we need to make it possible for every American to have insurance. I favor a tax credit so that they can go buy insurance. And for those who can't afford to go buy insurance, I favor a refundable tax credit. But it is important to understand that the Democratic bill, the Dingell-Norwood bill, perhaps supported by many

of our colleagues on the other side, not understanding what it will do, that bill will drive costs through the roof and will hurt health care in America.

Indeed, I fear it will lead to a single-payer, government-run, one-size-fits-all type of health care where we do not get to consult with our doctor and decide the care; some Federal bureaucrat decides the care.

Mr. COBURN. Mr. Speaker, the gentleman from Arizona and I have been here almost 6 years, completing 6 years; and we have seen a lot of instances in which Washington sees a problem and then fixes the wrong problem. And we heard the gentleman from New Jersey (Mr. PALLONE) talk about a Medicare drug benefit, and we have heard how they want to add that to the Medicare program.

Mr. Speaker, Medicare is going to go broke in 2015, and adding a Medicare drug plan as he would like to add, what that will do is just ensure that it is bankrupt about 2007. My point being that it is easy to do mischief and to do the wrong thing here, but it is even easier to fix the wrong problem.

I believe that we have another chart there that I think really summarizes what we want to talk about, that is, if we want to empower patients and doctors, and by that meaning we want more patients to get care and we want them to get the right care the first time from the managed care firm, and we want to incentivize those people who are supplying the money to pay for that care to do the right thing and to do it in an economically efficient and prudent fashion, then what we want is to put doctors with a check on them by other doctors, not doctors with a check on them by a lawsuit, in charge of that care.

Why would we let lawyers today decide the care in the country? And why would we take it from the managed care firms now and not give it to the doctors, but yet give it to the lawyers? For the life of me, I do not understand. And for the doctors in Oklahoma that I have talked to and I hope will be aware of what is going on, for the life of me I do not understand why the most recognized body in health care in this country has chosen to move the decision-making on care not back to the doctors from the HMOs or managed care, but rather has decided that they are going to endorse a bill that moves it to the courts and the trial lawyers.

Mr. Speaker, it makes no sense for care, it makes no sense for costs, and it makes no sense for those people who have no insurance. It is just going to inflate the cost of their care as well as put more people in the ranks of the uninsured. I yield back to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding. It is probably worth it, in the minutes we have left, to focus on really the crux of this issue, what we care about, what this discussion is about, why I believe the issue is so critical, why the gentleman

from Oklahoma (Mr. COBURN) believes it is so critical.

In the immediate preceding hour there was a lot of rather harsh rhetoric saying that Republicans do not care about a Patients' Bill of Rights, Republicans do not care about patients, Republicans are just for HMOs. That kind of talk makes me angry. It is divisive. It divides the country. It is polarizing, and it is just flat wrong.

I have worked, as the gentleman from Oklahoma has, now for 2 years nonstop on patients' rights legislation. I consider it a privilege that the gentleman and I were able to write a patients' rights piece of legislation, a bill that moves the ability for medical decisions to be made, not by HMOs, but moves that ability away from managed care companies and PPOs and HMOs and gives that decision-making authority to doctors to make the decisions about the standard of care.

But on this partisan attack, I just have to say that it upsets me. Because after writing the bill with the gentleman, I had the privilege of being appointed to the conference committee. I served on that conference committee. I did not miss a single one of those meetings, and I spent countless hours with my House colleagues, Republicans and Democrats, countless hours with my colleagues in the other body in the Senate. Mr. Speaker, not a single Republican that I dealt with in that process, not one did not want to pass a Patients' Bill of Rights that would do the right thing; a Patients' Bill of Rights that would empower doctors, not lawyers; a Patients' Bill of Rights that would deliver care at the quickest point in time. They understood these issues. They discussed these issues at great length. And the reality is we could not get there because of the opposition of Democrats.

So this kind of "Republicans do not care about patients; they only care about special interests," that rhetoric is not productive. What we need is to pass legislation and quit pointing fingers of blame. We do need to analyze the issue, and we need to understand what should happen in the legislation.

Again, I want to conclude by referring to this chart, because it really sums up this whole debate. Health care in America, who should make medical decisions? The Republican position is very, very clear, contrary to what has been said here on the floor. Contrary to what the President might say. Contrary to what the Vice President may say. Contrary to what that commercial that our constituents are watching in their congressional campaigns back home may say.

The Republican position is that doctors, in consultation with their patients, should make health care decisions. So on this chart where it says, "Who should make those decisions?" HMOs? Our answer is no. Managed care companies can do their job, but they should not ultimately have the decision authority. That decision authority

should be the treating physician's to decide care. Lawyers? Absolutely not. And that is the central feature, as we have talked about for the last hour, of this fight.

The Democrats' bill, the Dingell-Norwood bill, and I brought it to the floor to hold up, this is Dingell-Norwood One, the first bill they wrote. It had the same structures. It empowered lawyers, not doctors and patients. After a lengthy debate, they produced Dingell-Norwood Two. I have read every word of every one of these bills. I have pored over them and highlighted the pages. The fundamental flaw in the legislation that they want is that it does take power away from HMOs, but it does not give that power to doctors or patients. It gives that power to lawyers. It encouraged lawyers to go to court, and it makes possible for them to go to court. It makes it possible for them to go to court before there is an independent review by three doctors to say, was the plan right or was the plan wrong?

We have to ask ourselves why. Why do they oppose giving the ability to decide what the standard of care in America should be? Why do they oppose that? Why are they opposed to giving it to doctors and rather want to give it to lawyers? I do not know the answer to that question. I am puzzled by the answer to that question.

I know that many of my Democrat colleagues are very sincere about their concern about patients and very sincere in their opposition to HMOs and managed care. But for the life of me, I think it is because they have not carefully studied the bill that they have been advocating, but that bill which the President would say is vitally important will not help health care in America.

Indeed, that bill, if we encourage excessive, frivolous lawsuits by not letting a panel of expert doctors review the case, if we facilitate and make possible frivolous lawsuits in State courts and Federal courts and we allow that to happen before there is an independent review by doctors of whether the care was right or wrong, there is a very, very, very real danger. And that very real danger is that by turning the system over to lawyers and lawsuits and not having an independent external review by doctors but rather letting a lawyer get ahold of the client and rush off to court with a lawsuit and demand a settlement will polarize the parties.

The HMO has been sued. They hire their defense attorney. The plaintiff has her lawsuit going forward. Now we have a polarized position. Not only will that drive costs through the roof and perhaps result in thousands more uninsured; but as the gentleman from Oklahoma has pointed out, it will not incentivize the best care at the earliest point in time, and it will not create an atmosphere in which there is education, in which this panel of doctors teaches the HMO what it really ought to be approving and what it maybe can turn down.

We will not have that educational process. We will not have incentives to deliver the best care at the right time. What we will have instead is a quick lawsuit process whereby power to decide care is taken away from doctors and awarded to lawyers.

We simply cannot make that mistake. There is no margin of safety financially to allow costs to escalate like that. We can pass legislation. Indeed, I would argue we can pass legislation this Congress which does what we have asked for it to do which empowers doctors in consultation with their patients to make the right care decisions, which encourages the best care at the earliest time, and which teaches HMOs what care they ought to be approving and not approving, rather than throwing the whole thing over to the lawyers.

Mr. COBURN. Mr. Speaker, I would make one point. I believe the gentleman has hit on something. I believe that most people really do not understand the impact of the Norwood-Dingell bill. I believe that we can bring people together. I believe that we can put people before politics.

I know this is an election year issue. I am not running for reelection, so I do not have a dog in this fight as far as the election. But what I do know is that our job is to bring people together. And I want to thank the gentleman from Arizona (Mr. SHADEGG), for first of all his insight and understanding of what has gone on with this legislation. Also, his tremendous effort, the amount of time that he have given up away from his family; the amount of time he could have been in Arizona that he was here meeting in a conference, trying to do the right thing. Not for HMOs, not for trial lawyers, but for doctors and patients. For that I am forever grateful.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman and would echo those remarks. I think the reality is clear. I know the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL), and both of them are honorable men and both have the best interests of patients at heart. But, sadly, what happens in Washington, D.C. is that these debates get pulled down into political wars and the Democrat party has a constituency and that constituency happens to be trial lawyers.

So I think this bill got drafted with the input of trial lawyers and, sadly, we have a war going on. I do not defend the insurance companies either. We have a polarization here with the insurance companies and the HMOs on one side saying: do not pass any legislation. We have the trial lawyers on the other side saying: no, turn it all over to us. Sadly, nobody is fighting for the doctors and the patients.

Look how thick this bill is. I think many of our colleagues, indeed, I would guess the vast majority of our colleagues have not had the chance, because these issues are too complicated,

to study Dingell-Norwood and understand its public policy flaw and recognize that it does have the danger of driving costs up, and try to understand that the legislation that we are asking for which would empower doctors and patients and would enable doctors to teach plans what care they ought to approve and not approve, that legislation has not been studied carefully.

I think we can still pass it this Congress. The gentleman and I have been in consultation with our Senate colleagues, and we may even have a meeting yet with them tonight on this. I am encouraged. I think we can, if we cut the partisan bickering, pass legislation that will protect patients across America. I appreciate the gentleman from Oklahoma for his brilliance and instruction and all of his help in this debate. It has been a great privilege.

□ 1830

FINAL BUDGET ISSUES

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin tonight with a symbol that I have used repeatedly over the last year, the construction hard hat, to drive home the fact that, at the heart of our effort to improve schools in America is the need to revamp facilities. Whether that means repairing facilities, renovating facilities or building new schools, this is the key, the first and most dramatic and visible evidence of exactly how we elected officials and decision makers feel about education.

Do something about the obvious problem. Do something about the overwhelming problem that localities and States are having the most difficulty with because it requires a large outlay of capital.

Let us do something in the area where the Federal Government does not have to get directly involved in decision making at the local level. We help at the capital problem of buildings and equipment, laboratories, libraries that are involved in improving facilities; and we get out. We do not keep the Federal government around in a situation which involves facilities and equipment.

So I am here tonight to salute the democratic process here in this Congress and to salute the process here in Washington by saying that it looked impossible 3 years ago when we began the crusade to get Federal funding for school construction. It has been a long and torturous battle. The obstacle course has been quite filled with devastating obstacles, quicksand pits and all kinds of traps.

Even now, I cannot stand here and announce that we have an obvious victory. But I think what is important is

that we have, at this critical moment in the final days of the 106th Congress, we have school construction on the radar screen. It is at the center of the radar screen.

One of the big problems that we are faced with here as we try to reach judgment, one of the areas of controversy, fortunately, is still there on the table, is school construction. I am proud of the fact that the process has awakened and that we are now, as decision makers here in Washington, running very hard to catch up with the American people.

The American people have said, voters have said repeatedly that education is the number one priority. Within the priorities for education, people do not understand why we cannot do something immediately in some kind of very significant amounts about school construction, about facilities, about guaranteeing that every youngster goes to school in a facility that is safe, that is not threatening his health in any way, the teachers' health is not threatened.

We would like to see a movement which understands that part of the problem with our schools certainly in large numbers of rural areas as well as in inner-city areas is that they are not desirable work sites. Part of the problem of attracting teachers is that they do not want to work at these work sites where we have situations which, really, not only endanger the health of the students, but endanger the health of the teachers as well.

If one has a situation like the coal burning schools in New York where, at the beginning of this crusade that we started 3 years ago, there were more than 200 schools in New York City that still had furnaces that were burning coal.

I am happy to report that, as a result of our agitation and our effort and our constant pursuit of the problems and all the roadblocks, we have a situation now where the New York City School Construction Authority has stated that, by the end of 2001, every coal burning furnace, every school coal burning furnace in New York City will be remodeled and revamped and renovated, and it will be an oil or a gas burning modern furnace with no pollution of coal dust being spewn into the area.

So it is good to stand here and report some progress at some levels, certainly as we move toward the end of the 106th Congress, to have one of our major items still on the table, on the radar screen. A point of great controversy between Republicans and Democrats is school construction, what should we do about school construction.

So I would say that out there, and there are still some students who are still awake at this early hour, fortunately it is kind of early, let us pull out a glass of orange juice or glass of milk and let us drink a toast. I do not have a glass here, but let us drink a toast to the students of America, the

public schools of America that are in great need of some help in this very basic area of school construction.

They are about to get a breakthrough. We are about to realize a breakthrough, we hope. The fact that we are still on the radar screen is number one.

The second thing I would like to joyously report is that there is discussion about the fact that, in the area of the Labor, Health and Human Services and Education appropriations bill, there is some kind of almost agreement that the first dollars will be appropriated for school construction that have been appropriated in the last 50 years or more. We will have a breakthrough, we hope.

There is a tentative agreement that the President's proposal of \$1.3 billion will be approved in some form. Maybe not all of it will be available for school construction, but some portion of it will be available for school modernization. They like to play with terms. School modernization means renovation or repairs. Maybe, I hope in desperate situations where they need school construction will have school construction.

So many out there are going to school in trailers, have to go to classes in trailers. In the wintertime, the trailers have no bathroom facilities, and kids have to go outside to get to bathroom facilities. Trailers, of course, have no libraries and no cafeterias.

Large parts of America, suburban America, rural America, as well as big cities, are afflicted with the disease of these trailers. So trailers, we hope we can look down over the next 10 years and hope that the Federal government's intervention will lead to a situation where the trailers will be gone.

Certainly I just told my colleagues that the coal burning furnaces in New York City schools, they have given us a chart which shows that there will be none around as of the end of the year 2001, the School Construction Authority. So that means we move from more than 200 schools that 3 years ago were burning coal in their furnaces to none in the year 2001.

I am certain that the Federal Government involvement, as small as it may be, what they are talking about is \$1.3 billion in direct appropriations, there is still some discussion of the Committee on Ways and Means bill which would provide tax credits and have the government pay interest on the amount of money borrowed by States and localities up to a total of \$25 billion in borrowing authority over a 5-year period, and the Federal Government would pay the interest. That is the other opening for school construction. We hope that that is not off the table yet.

Either way, we would like to see some forward movement and begin the process of having our government deal with education in the area where there is the greatest immediate need and where it is simplest. It is very simple

for them to get involved and not have to weigh into the issue of disrupting local control or threatening local operations, et cetera.

So let us drink. Take out your orange juice or your milk and let us drink to a breakthrough. We are on the radar screen.

As the session concludes, I am optimistic that we will make some small breakthrough. I think that it is important to note that this is a very strange session we are about to conclude, I hope we are about to conclude. I know the date for adjournment was set at October 6 and now it is October 30. Every week we had these projections. We are going to get through. But we are still here on October 30. There is an election on November 7, which means that this Congress goes out of existence shortly after that.

We are still hung up on some very critical problems. I want to just take a minute to say that those problems are problems that are very important to the American people. Some people have raised the question as to why suddenly do we have such importance placed on problems like prescription drug benefits, prescription medicine benefits. Why have we singled out that problem for this year?

It is very important because we have been discussing it for the last 10 years in one form or another. It has escalated to the point where the discussion has led to some proposals, and it is time to make some decisions about it.

The cost of preparing drugs also has escalated. The cost has gone up greatly. The role of prescription medicines in our health has increased. There are now some drugs that really make a great difference in terms of the quality of life. There are some prescription medicines that determine whether people live or die. If the medicines were not there, if the prescription, the pill was not there, they would not be able to survive.

More and more, we are seeing the benefits of science over the years pay off in the form of what some people call miracle drugs. I do not think it is an exaggeration. Some of them are literally keeping people alive. One could call them miracle drugs.

So we are now in a situation where it is time to make a decision where this Congress has options that no Congress has had in the last 50 years. We have a situation where there is a huge surplus; whereas, we have had to deny some basically needed services before to our constituents. Here is a matter related to health, life and death. Why cannot we now make some decisions which guarantee the benefits of the great prosperity we enjoy and the great wealth that we have now.

Nothing ever in the history of the world has existed like the United States of America at this point in the year 2000. There is just no other nation, no other phenomenon that one would call a political entity that has had the kind of power and the kind of wealth,

the kind of options that the United States of America has at this point.

These options that we have here in Congress in terms of the decisions we make are greatly increased by the fact that we have the wealth. We have the surplus. So why not now make the decisions? The fact that the prescription medicine benefit is still on the table is important. Let us make that decision before we leave here. Why not?

Why not make the decisions about the HMO Bill of Rights, the patients' bill of rights with respect to HMOs. Why not now? Why save it? We have had the dialogue. The democratic process has generated proposals. We have had the debates. Why not now?

Who knows what the 107th Congress may face? Who knows what natural disasters may occur? Who knows what new kinds of crises in the world will confront us in the 107th Congress? We know now that we have the options now. We have had the debate. The process of those who are not enlightened now about what the problem is will never be enlightened. There are folks who cling to certain kinds of special interest considerations. It is not because they are not enlightened. They know they have enough knowledge, they have enough evidence as to what is needed. So we ought to make those decisions.

We ought to make the decisions also related to immigration fairness. We have a bill called the Latino and Other Immigrant Fairness Act, which is called the Latino and Other Immigrant Fairness Act, but it does include critical problems related to immigration in general, critical problems which covers all of the crisis situations that we face right now in immigration.

We face a crisis problem with respect to certain Central American people having receiving permanent status, certain Haitians receiving permanent status, and Liberians. There are a lot of critical problems that are wrapped up here in this Latino and Other Immigrant Fairness bill.

The issue of 245(i), which relates to people renewing their permanent status without having to leave the country is critical throughout the entire country overall of the immigrant groups. That is in the bill.

The issue of the registry for amnesty where we had a cutoff date of 1972 in the last amnesty bill, and the request is that we move that registry date to 1986 so that anybody who had been in the country for 10 years up to 1986 would be eligible for amnesty and could apply.

□ 1845

A very humane gesture because these are people who are already in the country. They have been in the country for a long time, 10, 15, 20 years; and we are just going to recognize the fact that they are here, they are paying taxes, they are working. So let us move to try to regularize their status by giving them permanent residency and allowing them to move on and apply for citizenship.

This does not mean that we are opening up the gates for a flood of immigrants to illegally come into this country. It means we have a common sense problem, and we would like to solve that problem. That is one of the issues still on the radar screen, one of the points of controversy. I want to congratulate the White House and the President, this administration, for insisting that we confront this problem and deal with the humanitarian dimensions of it now, not next year. Right now.

We had an immigration problem of another kind that we dealt with speedily, the H-1B problem, where industry, corporations, have a great need for professional manpower that can handle the kind of needs that they have, information technology needs, most of them, needs related to the digital world, computers, programming of software and hardware, of various problems in the complex digital computer information technology world. They cannot find the people to fill all of the vacancies. That will go on for a long time because our education system is not generating, not producing the people to fill those jobs.

We acted quickly on that one. That is an immigration piece. We raised the quota, and now we have a situation where 195,000 new people in the professional area mostly, information technology, can come in each year. They can come in each year, so that over a 3-year period it is close to 600,000 professionals who have that capacity that are allowed in. We have a need; we met the need.

The Democrats, the administration are contending that we have a humanitarian need. We have a need to regularize the lives of the people who have been here 10, 15 years and let them begin to move towards citizenship. We have a need to do that. We have a need to stop the pain and suffering caused by the regulations related to 245(i), which deny people the opportunity to go home and visit their relatives and then come back without having to deal with long stays away in order to qualify for an adjustment of status and other problems relating to that. We have a need to deal with the Liberians, the Haitians, the Central Americans who have been stranded for various reasons. We need to have the relief of this Latino and other immigrant fairness bill.

So that is another item on the agenda. We have the health care, we have HMO and prescription medicine benefit, we have the Latino and other immigrant fairness act. We have a few other things that are important, but those are two items that are very important that are on the agenda, and we would like to see them remain there until they are resolved in a positive and productive way.

We congratulate the administration. The power of the White House in this end game negotiation is considerable. I have tried to explain the process be-

fore. We have come to the point now where it is a Republican-controlled Congress, the other body as well. The whole Congress, House and Senate, is controlled by Republicans. They have the majority, they have the votes, they can do pretty much what they want to without the input of the Democrats who are now in the minority. Our only hope is that the Democratically controlled administration, the executive branch, the White House, will balance off the power of the Republican-controlled Congress.

That is what happens in these so-called end game negotiations. The end game negotiations are underway now. And that is why we are stuck here week after week, because the end game negotiations have been deliberately slowed down as part of the strategy of the Republican majority in the hopes that they can wear out the patience of the administration and of the Democrats.

These items I just mentioned are too important to be given up by default. As long as it is necessary for us to stay here, we ought to stay here to get a prescription medicine benefit in this Congress. As long as it is necessary to stay here, we should stay to get an HMO bill of rights; we should stay to get a Latino and other immigrant fairness bill, a bill which includes amnesty, a 245(i) adjustment and a blanketing of the categories of Central Americans, Liberians and Haitians, who have been left out there with a questionable status.

There is one very important breakthrough that I would like to report, particularly to my own district, on this whole matter of immigration before I go on to school construction, that last and most important of the business items that we have here on the agenda of the Congress. School construction I will talk about in more detail, but before I do that, I am happy to report, and this is another example of the executive branch taking the initiative, doing what it can do in a very humanitarian spirit to relieve suffering of people, that the extension of the designation of Montserrat under the temporary protective status program.

It is important that there is a notice that extends the Attorney General's designation of Montserrat under the temporary protective status program until the year 2001. August 27, 2001. So we have an extension that goes for almost a year for people in Montserrat who need temporary protected status.

Eligible nationals of Montserrat may reregister for temporary protective status and an extension of employment authorization. Reregistration is limited to persons who registered during the initial registration period, which ended August 27, 1998. All who registered after that date under the late initial registration provision, persons who are eligible for late initial registration, may register for the temporary protective status during this extension.

The extension, as I said before, goes until August 27, 2001. The reregistration period began August 2, 2000; and it will remain in effect until November 1 of 2000. In other words, there are 2 days. This breakthrough that was realized and announced on October 2 was a bit late when it was announced, but on that date the registration process began. But people only have until November 1, which is 2 days from now, to reregister.

Now, Montserrat has suffered one of the most cataclysmic natural disasters in this hemisphere of the last 50 years. Montserrat is a very tiny country. At least a third of the country has been wiped out by a volcanic eruption. It is rapidly becoming an island that is uninhabitable. There is some worry about whether the nation of Montserrat will survive. But in the meantime, for those people who had to flee the island, special temporary protected status was given as part of the great humanity of the American people and how our government reacts to natural disasters. We ought to be congratulated for taking them in, first; and now there is an extension, which did not have to have the approval of Congress or we might not have gotten it. This extension will carry them until August of 2001, and we hope that more can be done to resolve the problems related to the great natural disaster of Montserrat in the meantime.

So that is a positive breakthrough in the immigration area. It is a very tiny amount when compared to what we are requesting in terms of the need to pass the Latino and other immigrant fairness act. That act would include, and I wanted to summarize for the last time, it would include an expansion of the 1997 legislation to include refugees from Central America, Haiti, and Liberia who were unjustifiably excluded from the opportunity to apply for permanent residency. It will permanently extend section 245(i) to allow individuals who qualify for a green card to obtain a visa without first leaving the country. It would move the registry date for those individuals who can demonstrate that they have maintained a continued presence in the U.S. from 1972 to 1986, providing an overdue and well-deserved opportunity to individuals who have been living, working and paying taxes in the United States. In addition, for those individuals who have been in this country since 1985, the bill would allow them to adjust to legal permanent resident status.

Now, this bill was proposed to be part of the Commerce, Justice, State appropriation. The President made it quite clear that if this was not included as part of that appropriation bill he would not sign the act, and that is part of the process that is going on now. The strong stand and position taken by the White House is to be commended. We congratulate the President and hope that he will continue to insist that the 106th Congress should not adjourn without bringing immigration relief to

the people who deserve that kind of relief.

Those are three items that are on the screen, two items on the screen other than the one that I started with, which I deem to be not more important than immigration, not more important than health care, but critical in terms of where our civilization is going. Our Nation at this point has made an unprecedented breakthrough. We are ahead of Europe, we are ahead of Japan, we are ahead of all our industrial rivals in the area of the digital economy. We have made some breakthroughs which put us out there, and we can maintain that lead and maintain the unprecedented prosperity that we now experience if we continue to generate the kind of resources needed to fuel and drive the information technology industries, the cyber-activities, the digital economy activities. But brainpower is needed.

The critical thing we need now, unlike industrial revolutions in the past where the natural resources often determined the wealth of a nation, if a country was lucky enough to have oil, then the nation had a great advantage. An industry can grow up related to the uses of oil and petrochemicals, and there are a whole series of things that relate to oil. If an area was fortunate to have coal, the coal mining areas had certain advantages because of that natural resource. If an area was fortunate to have iron ore or coal and iron ore near each other, then the steel industry certainly saw advantages there and developed in those areas. If someone was fortunate enough, of course, to have discovered gold, gold or silver, those are obvious metals that all over the world command a great price. So natural resources determine wealth, and the wealthiest people in America for a long time were people who had control over natural resources.

There were people who had control over the natural resources and used them to industrialize, to create the steel and the various products out of the natural resources, and they became the wealthiest people. Now the wealthiest people in the world are people who do not necessarily have the fortunate or good luck to have discovered a pool of oil, oil wells, or the gold mine, a whole set of coal fields; but the people who have the greatest wealth now are people who are masters of the utilization of brainpower. Brainpower is the most powerful force in the world right now. Brainpower.

Who has the brains to make use of all the opportunities that have opened up by the revolution in information technology, the revolution in the digital world, the use of computers in 100 different ways, a thousand different ways? The application of computers is almost infinite. There is no limit on the application of computers, and the use of digitalized equipment of various kinds except the limits of our brainpower. As the brainpower increases directly in proportion, we have these utilizations increase. New discoveries make it easi-

er every day, and so the industry is changing.

The fact that the stock market right now is in a situation where the digital industries are sort of being questioned as generators of income and as investment opportunities, it is all a passing phase. It will not last long.

□ 1900

It is an adjustment of an enthusiasm that maybe got out of control. But it is clear, and we do not have to be a rocket scientist or even a sophomore in college to see the way of the future is clearly the way of digitalization. The way of the computer is the way we are going.

It is like when automobiles were first invented and automobiles even first began to roll off the assembly line, assumptions were made that there will always be only automobiles for rich people, that only rich people could own automobiles, and that the automobile was something so special that it was not going to affect the entire society. But the automobile has transformed and the offspring of automobiles transformed the entire society. We have the culture of the car, an automotive culture. And not just the richest and most powerful people involved, at every level down to the poorest people have some junky, used car. If they want wheels, they can get them or they are involved as drivers in the economy or in the economy as mechanics or mechanic's helpers.

It is just a transformation which touched every level of our society. That was a small development compared to what computers are doing and will do. Computers will move more rapidly. The digitalization of the economy, digitalization of activities, whether they are nonprofit activities or profit activities or military activities, everything will move more rapidly, it will spread across the world more rapidly because it is not as expensive and not as difficult to move about and maneuver as automobiles were and are still.

Computers are already in the far corners of the Earth. There are people who have never seen a car who have seen the benefits of computers. There are things happening in third world countries and in remote regions of the Earth with respect to computers which are astounding.

So we have the leadership. We are ahead of everybody else. We are the driving force in a cyber civilization that has begun already. And yet, in this 106th Congress, the midget minds and the petty souls are such that they are not willing to take advantage of this opportunity where at the same time we can surge ahead in this cyber civilization. The opening is there. The opportunity is there.

We also have the resources. We have a \$230 billion surplus. To apply just a small part of that surplus in a constructive way toward education in order to increase the pool of brain

power that America has available would gain immense dividends. And you do not have to be a rocket scientist to see it. If brain power is the power that is now driving the world, then the students and the children out there in all parts of America, whether it is a rural poor area or the inner-city areas, they are all potential resources that should be developed.

Some of them may never become computer programmers. Most of them will not. Most of them will not become computer scientists. Most of them will not get in the high theoretical mathematics that relate to computers. But there is no reason why somewhere in the chain where you have computer scientists, you have technicians, you have mechanics, you have mechanic's helpers, you have the school aides who apply help to teachers to apply to computers.

There is a whole world. If you look at automobiles and all the people that are related to automobiles, the salesmen and the auto parts shops and the car wash people, there is a whole range of people who have gotten involved in the culture of the automobile. The culture of the computer will involve many more people.

And when we focus our education effort in a way which anticipates this need, we increase our ability to maintain our leadership in the world in this area. If we have to rely on foreign input, and I am not against foreigners, I am not against immigration, you just heard my arguments before, I am not against spreading the wealth by hiring a large amount of people from all over the world, but if you rely on that repeatedly, then you are going to be draining away resources from the Nation.

The people that are coming here to learn eventually will go back and develop the competition. We have seen that in several instances with respect to the automobile industry. I remember shortly after World War II they were importing large numbers of students from Holland and France and training them in Detroit as engineers and design specialists and so forth and they were working for our companies here. They took it all home eventually. And we have competitors, of course, in Europe and Japan. A large number of those competitors were trained here.

It is not the worst thing in the world, but they do not pay into the Social Security fund here. They do not generate the businesses here that are taxed and can provide the revenue that we need to run our society. And on and on it goes.

There is a limit to the great generosity that prevails now. It may be a fact that most people cannot comprehend but one-half of all the students in our graduate schools who are in science and engineering are foreigners. They are not Americans. And the percentage of foreign students in our programs for graduate science and engineering, computer science, et cetera, has been increasing, not decreasing.

The percentage increases because the number of students from our own American base school systems are going into science and those areas is decreasing, not increasing rapidly enough to keep pace with the need.

The number of vacancies is not being exaggerated. The information technology world said last year they had 300,000 vacancies that would not be filled with the new crop of college graduates because their survey showed that there are colleges that do not have the people that are being prepared to come out and take these jobs. And it increases geometrically. There will be 600,000 after that. And then it will keep growing and expanding, and we will be overwhelmed by a situation where there is so much more that could be done and so many things are being attempted that the frustration will be tremendous. The lost opportunities will be tremendous.

So that is the background that I give for my final statement for the night, and that is we need to reform and improve education right across the board. Education needs help in many areas. We have proposed in the Congressional Black Caucus an alternative budget way back in the spring when we introduced the budget. We proposed that 10 percent of the surplus be dedicated to the improvement of education.

In order to deal with this cyber civilization and all the brain power needs, 10 percent of the surplus, which now the surplus has gone up to \$230 billion, 10 percent of that over the next 10 years dedicated to education would be the kind of resources needed to revamp and move.

We could train the science teachers, who then could get more science students. We could train the math teachers. We could get the computers purchased. We could get the technology training for teachers. And most of all, immediately the first thing we could do is to solve the problems that are most acute out there and most visible. And that is the problems of school construction, school renovation, school modernization, the wiring of schools for technology.

We have repeatedly stayed up on this consideration. And I said before, my symbol of the construction hard hat, the Nation needs an effort by construction workers. If ever there was a time that the overtime of one group of people was needed, the Nation needs the overtime of the construction industry to catch up.

The National Education Association survey showed that our needs in order to serve the present generation of public school students, the numbers now to increase enrollment, you need \$320 billion for school construction, renovation, modernization, and technology, \$320 billion.

Now you say this is an exaggeration by the National Education Association because, after all, they serve teachers. But the official estimate by the Education Statistics Commissioner's Office

in the Department of Education is that right now we need \$126 billion or \$127 billion.

So let us take the conservative figure. Let us deal with \$127 billion. Five years ago the General Accounting Office, the GAO, said that we needed \$110 billion, 5 years ago. So there is some consistency here in terms of large amounts of dollars are needed for school construction repair and renovation, and we have been on this theme for some time because at the heart of education improvement and education reform must be this highly visible action we need to take to send a message to teachers, to students, to the community that we are serious about education.

Every politician, every candidate is out there preaching that he wants to improve our education system at every level, whether it is the city council people at the municipal level or the State level people, certainly the Federal people, Congress people, and the Presidential candidates. Everybody talks about the need to improve our education system.

Why, then, are there so few resources being dedicated to the improvement of our education system? Why, then, when we have a \$230 billion surplus are we being such misers and refusing to commit a substantial portion of that surplus for education? You could commit 10 percent of the surplus without endangering or in any way infringing upon the other responsible utilizations of the surplus. We can still pay down the debt.

The vast majority of the funds that have been accumulated in the surplus can be used to pay down the debt. We can still give money to the Medicare program and money for prescription medicine benefit. We can add to that school construction. And when it is all added up, we are talking about less than 30 percent of the surplus. That means we can give the other 70 percent to pay down the debt and even a tax cut.

Why not a middle-class tax cut, a middle-income tax cut? Why not a tax cut that comes from the bottom and the people who are at the very bottom be eliminated from paying taxes and the middle class have their tax bill reduced, the people who are most in need of some kind of help and relief from taxes? We can do all this and still pay down the debt.

We devote at least 50 percent of the surplus to paying down the debt and still do the other things. And among the other things that we do with the surplus, the number one priority should be the 10 percent improvement for education.

The Congressional Black Caucus said this in the spring of this year, and it is as sound a proposal now as it was then. We have continually pressed the point.

I have a Dear Colleague letter I sent out on January 27, 2000, where I said in terms of the utilization of the surplus for construction and we said if you

have 10 percent of education overall, take half of that, 5 percent and use that 5 percent for school construction, renovation, repairs, and technology.

That means that we are talking about \$10 billion to \$12 billion a year for school construction and another \$10 billion to \$12 billion a year for other items related to the improvement of education.

In January 27, I said we are moving and the stage is set to build schools. I introduced H.R. 3071, and I said at that time that every Presidential candidate, Republican as well as Democrat, is now proposing a sweeping education program.

Candidate AL GORE then called and he still is calling for a \$115 billion program over a 10-year period. I have said that we need \$110 billion over a 10-year period just for school construction. But we will take a break through. Even a small amount would be useful. And that is where we are at this point as we near the end of the 106th Congress, a proposal for \$1.3 billion, a far cry from what the National Education Association says we need or a far cry from what the Education Statistics Commissioner says that we need or what the General Accounting Office says we need.

□ 1915

But it is a beginning. The stage is set to build schools. I said on January 27 in this Dear Colleague letter:

Keep the education action simple. Revamping infrastructure is the most effective and least intrusive role for the Federal Government.

And I introduced H.R. 3071, which sends the money back to the States based on the number of school-age children. H.R. 3071 offers maximum flexibility for renovations to facilitate security and safety; modernization for educational technology; and new construction to end overcrowding. H.R. 3071 will use no more than one-tenth of the surplus for the next 10 years. Democrats risk being upstaged by Republicans, I said at that time, if they do not move on a school construction bill.

We cannot emphasize too much the fact that the fiscal negotiating environment has undergone a rapid, almost revolutionary sea change since the announcement of the trillion dollar surplus, over a 10-year period, a more than \$2 trillion surplus.

I said that as we move toward the end game negotiations, we must make certain that school construction modernization is on the table. I am happy to report, as I said before, that at least we have achieved that. It is on the table. It is on the radar screen. It is a bone of contention, but it is there on the table.

One-half year later, and that was January, July 19, 2000, I sent out another Dear Colleague which said:

Build Schools 2000. Two big battles have been won. Now let us move on to win the war.

The first battle won. The White House moved from a strictly tax relief policy to a direct appropriation policy of \$1.3 billion for school infrastructure. The President introduced his budget. And in the budget we made a breakthrough because instead of proposing school construction only through the Committee on Ways and Means and a tax credit process whereby the Federal Government would pay the interest on money borrowed by the States and the localities, the Federal Government was proposing a direct appropriation for school construction. That was a great step forward, \$1.3 billion for school modernization.

The victory, the second victory, which came much later, in July, was that after insisting for decades that the Federal Government should not be involved in school repairs and school construction, the Republican leadership introduced legislation which authorizes \$1.5 billion for school repairs. That is H.R. 4766, the Classroom Modernization Act of 2000, introduced by the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING).

That is the second great victory. To have the Republican leadership move off the center, move off the position that school construction did not belong at the Federal level and have it propose any kind of school construction was a great victory. I understand most of the dollars being proposed in this legislation would go to charter schools, but I do not care.

Let us understand that some of the remedies for our school system that are being proposed, alternatives, vouchers, for example, vouchers cannot succeed in large numbers if you do not have a school construction program. If you were to suddenly remove all barriers to vouchers, and I am not in favor of that because I think that vouchers only take us into chaos, it is not a viable alternative, but suppose hypothetically that you had the legislation and the authorization from the government to institute a large voucher program in any city or county. Immediately the amount of positions available at the private schools would be filled up. They already have long waiting lists at most private schools. So the people who want to utilize those vouchers would have to build new schools. They would have to have some new facilities. You would have to have a new bureaucracy created to take care of large numbers of youngsters moving from a public school system into a voucher system. It does not matter which way you go.

Charter schools, limited experimental charter schools I am all in favor of. But charter schools have run into the first and most important problem that I am emphasizing here, that is, they have no facilities. The first problem of charter schools is to get a place, a building, some furniture, and the physical facilities, the infrastructure, is the greatest frustration being

experienced by people who want to start charter schools. So no matter which way you go, we need some help in this vital area of school modernization, construction, repair, renovation and technology provision.

In this July 19 Dear Colleague letter, I said:

We have won common sense acknowledgment and respectability for the position of Federal aid for school construction. To win this war means we must move from a \$1.5 billion proposal to a much larger annual funding proposal. But the important thing is that we have begun. Both parties have taken a position for direct appropriation of money for school construction.

I said also in this Dear Colleague letter:

The September end game negotiations must, one, authorize the reservation of 10 percent of the annual surpluses over the next 10 years for the improvement of education. Five percent must be used for school infrastructures; 5 percent must be placed in an education trust fund to be allocated to the States with flexible guidelines for programs that work.

Allocations from the 10 percent annual surpluses shall be distributed in accordance with the number of school age children within each State, et cetera, et cetera.

Mr. Speaker, I submit for the RECORD my Dear Colleague letter of July 19, 2000, and my Dear Colleague letter of January 27, 2000.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 27, 2000.

H.R. 3071 Is the Way of the Future, the Triumphant March Toward Common Sense Has Begun, Construction Is the Kingpin Action for School Reform

DEAR COLLEAGUE: Every presidential candidate, Republican as well as Democrat, is now proposing a sweeping education program which includes school construction. Candidate Al Gore has called for the expenditure of 115 billion dollars in ten years. In H.R. 3071, we call for a ten-year school construction program at a cost of 110 billion dollars. The stage is set to build schools.

Keep the education action simple.

Revamping infrastructure is the most effective and least intrusive role for the Federal Government.

Let the federal government pay for the big job. Build schools and then leave the day-to-day school operations to local control. Provide the capital funds for the infrastructure and thus free up other funds for salary increases, computers, more books, security, and safety.

H.R. 3071 Sends The Money Back To The States Based On The Number Of School-Age Children.

H.R. 3071 Offers Maximum Flexibility For: Renovations To Facilitate Security And Safety; Modernization For Educational Technology; And New Construction To End Overcrowding.

H.R. 3071 Will Use No More Than One-Tenth Of The Surplus For The Next Ten Years.

Democrats Risk Being Upstaged By A Republican "October 2000 Surprise" On School Construction Modernization.

Democratic Refusal To Support A Meaningful Dollar Investment In School Construc-

tion And Modernization Which Benefits Working Families Could Weaken Our Ties To Our Labor Allies And Leave Open An Opportunity For Republicans To Capture More Labor Union Support.

We cannot emphasize too much the fact that the "fiscal negotiating environment" has undergone a rapid, almost revolutionary sea-change since the announcement of the long-term trillion dollar surplus. To adapt to this change and at the same time respond to the number one priority of the voters, we urge you to review your position on this issue and sign up for co-sponsorship now.

Missing from the end-game budget surplus negotiating table is a democratic scenario for long-term adequately funded school construction and modernization.

To Co-Sponsor H.R. 3071 please call Beverley Gallimore at 225-6231. Please note that H.R. 3071 is a revision of H.R. 1820, which changes the authorization from 110 billion dollars in five years to 110 billion dollars in ten years.

Yours For Education Excellence,
MAJOR R. OWENS, M.C.

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, 11 billion dollars for fiscal year 2000 and a sum no less than this amount for each of the 9 succeeding fiscal years. (HR 1820 which authorized funding for five years has been revised to authorize the same 110 billion dollars for ten years.)

SUMMARY OF H.R. 3071

To amend title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools.

SEC. 12001. FINDINGS.

(1) There are 52,700,000 students in 88,223 elementary and secondary schools across the United States. The current Federal expenditure for education infrastructure is \$12,000,000. The Federal expenditure per enrolled student for education infrastructure is 23 cents. An appropriation of 11 billion per year for ten years would result in a Federal expenditure for education infrastructure of \$208 per student per fiscal year.

(2) The General Accounting Office in 1995 reported that the Nation's elementary and secondary schools need approximately \$112,000,000,000 to repair or upgrade facilities. Increased enrollments and continued building decay has raised this need to an estimated \$200,000,000,000. Local education agencies, particularly those in central cities or those with high minority populations, cannot obtain adequate financial resources to complete necessary repairs or construction. These local education agencies face an annual struggle to meet their operating budgets.

(3) According to a 1991 survey conducted by the American Association of School Administrators, 74 percent of all public school buildings need to be replaced. Almost one-third of such buildings were built prior to World War II.

(4) The majority of the schools in unsatisfactory condition are concentrated in central cities and serve large populations of poor or minority students.

(5) In the large cities of America, numerous schools still have polluting coal burning furnaces. Decaying buildings threaten the health, safety, and learning opportunities of students. A growing body of research has linked student achievement and behavior to the physical building conditions and overcrowding. Asthma and other respiratory illnesses exist in above average rates in areas of coal burning pollution.

(6) According to a study conducted by the General Accounting Office in 1995, most schools are unprepared in critical areas for the 21st century. Most schools do not fully use modern technology and lack access to the information superhighway. Schools in central cities and schools with minority populations above 50 percent are more likely to fall short of adequate technology elements and have a greater number of unsatisfactory environmental conditions than other schools.

(7) School facilities such as libraries and science laboratories are inadequate in old buildings and have outdated equipment. Frequently, in overcrowded schools, these same facilities are utilized as classrooms for an expanding school population.

(8) Overcrowded classrooms have a dire impact on learning. Students in overcrowded schools score lower on both mathematics and reading exams than do students in schools with adequate space. In addition, overcrowding in schools negatively affects both classroom activities and instructional techniques. Overcrowding also disrupts normal operating procedures, such as lunch periods beginning as early as 10 a.m. and extending into the afternoon; teachers being unable to use a single room for an entire day; too few lockers for students and jammed hallways and restrooms which encourage disorder and rowdy behavior.

(9) School modernization for information technology is an absolute necessity for education for a coming CyberCivilization. The General Accounting Office has reported that many schools are not using modern technology and many students do not have access to facilities than can support education into the 21st century. It is imperative that we now view computer literacy as basic as reading, writing, and arithmetic.

(10) Both the national economy and national security require an investment in school construction. Students educated in modern, safe, and well-equipped schools will contribute to the continued strength of the American economy and will ensure that our Armed Forces are the best trained and best prepared in the world. The shortage of qualified information technology workers continues to escalate and presently many foreign workers are being recruited to staff jobs in America. Military manpower shortages of personnel capable of operating high tech equipment are already acute in the Navy and increasing in other branches of the Armed Forces.

SEC. 12003. FEDERAL ASSISTANCE IN THE FORM OF GRANTS.

(a) AUTHORITY AND CONDITIONS FOR GRANTS.—

(1) IN GENERAL.—To assist in the construction, reconstruction, renovation, or modernization for information technology of elementary and secondary schools, the Secretary shall make grants of funds to State education agencies for the construction, reconstruction, or renovation, or for modernization for information technology, or such schools.

(2) FORMULA FOR ALLOCATION.—From the amount appropriated under section 12006 for any fiscal year, the Secretary shall allocate to each State an amount that bears the same ratio to such appropriated amount as the number of school-age children in such State bears to the total number of school-age children in all the States. The Secretary shall determine the number of school-age children on the basis of the most recent satisfactory data available to the Secretary.

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, 11 billion dollars for fis-

cal year 2000 and a sum no less than this amount for each of the 9 succeeding fiscal years. (HR 1820 which authorized funding for five years has been revised to authorize the same 110 billion dollars for ten years.)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 19, 2000.

BUILD SCHOOLS 2000—TWO BIG BATTLES HAVE BEEN WON—NOW LET US MOVE ON TO WIN THE WAR

Victory 1—The White House moved from a strictly tax relief policy to a direct appropriation of 1.3 Billion Dollars for school infrastructure.

Victory 2—After insisting for decades that the federal government should not be involved in school repairs and school construction, the Republican Leadership introduced legislation which authorizes 1.5 Billion Dollars for school repairs. (H.R. 4766—'Classroom Modernization Act of 2000')

We have won common-sense acknowledgment and respectability for the position of federal aid for school construction. To win this war means we must move from a 1.5 billion dollar proposal to a 10 billion dollar annual funding.

The September End-Game negotiations must:

Authorize the reservation of 10% of the annual surpluses over the next ten years for the improvement of EDUCATION. 5% must be used for school infrastructures; 5% must be placed in an "Education Trust Fund" to be allocated to the States with flexible guidelines for programs that work.

Allocations from the 10% annual surpluses shall be distributed in accordance with the number of school age children within each State.

Federal oversight responsibilities shall be limited to the review, approval and monitoring of a School Improvement Plan submitted by each State.

No less than 1% of all Federal funds must be set aside for parent participation activities.

Yours For Education Excellence,
MAJOR R. OWENS,
Member of Congress.

Following on the heels of this effort during the Congressional Black Caucus legislative weekend, we held press conferences along with numerous other entities in Washington and throughout the Nation that wanted to move more aggressively in the area of school infrastructure development. At that time I issued a statement which began as follows:

A deep pool of students who have a basic education in reading, writing, arithmetic, and computer literacy is the point of departure for the creation of the workforce needed for our burgeoning digital economy. To guarantee the continuous production of the qualified workers needed in the information technology industry and other sectors of the digital economy, the Nation needs increased numbers of competent high school graduates who swell the college classrooms. At the end of this funneling process, we will have the digital scientists, technicians, mechanics, salesmen, managers, creative producers, and other categories of workers needed.

Mr. Speaker, I ask to include the statement I made on September 15 entitled, "To Close the Digital Divide, We Must Build Schools First."

TO CLOSE THE DIGITAL DIVIDE WE MUST BUILD SCHOOLS FIRST

(Statement of Congressman Major R. Owens, September 15, 2000)

A deep pool of students who have a basic education in reading, writing, arithmetic and computer literacy is the point of departure for the creation of the workforce needed for our burgeoning digital economy. To guarantee the continuous production of the qualified workers needed in the information technology industry and other sectors of the digital economy the nation needs increased numbers of competent high school graduates who swell the college classrooms. At the end of this funneling process we will have the digital scientists, technicians, mechanics, salesmen, managers, creative producers, and other categories of workers needed.

First, our potential workforce must have high quality schooling. The buildings must be safe, conducive to learning, wired for technology and able to send the message that education is the top priority of our leaders. The National Education Association study recently released reveals a need for more than 320 billion dollars to provide adequate school buildings across the nation.

The allocation to "Build Schools" must be made this year from the 200 billion dollar federal surplus. We are demanding just ten per cent of the surplus for increased federal aid to education. A mere 20 billion dollars per year for the next ten years would allow for the building and repair of thousands of schools, and also provide funding for other education improvements. In my bill, H.R. 3071, the annual eleven billion dollar appropriation of construction and repair funds is proposed for distribution in accordance with the number of school-age children in each state.

School systems across the entire nation would benefit. All Americans who want meaningful action for education must join the effort to send a message to the White House where the final (end-game) negotiations on the budget will begin in a few days. Public opinion must speak out loud and clear for school modernization and construction now. We are calling on the coalition of parents, teachers, unions and contractors to intensify their mobilization to force the utilization of at least 10 per cent of the federal surplus for education with the first dollars earmarked to "Build Schools".

On October 11, very late in this game, recently, the Congressional Black Caucus sent a letter to the President. This was after a process by which the Caucus decided we support all of the proposals that have been made by Presidential candidate AL GORE for education. We support a plan that was introduced by the minority leader, the gentleman from Missouri (Mr. GEPHARDT). We support all these plans. But the Congressional Black Caucus was frustrated by the fact that all the plans we see, while exemplary and we support them, none of them focus directly and immediately on the urgent problem being faced by the schools in the inner-city communities. So we have sent a letter to the President with a proposal. Our proposal is called a Public Schools Emergency Recovery Program, and it summarizes a way to move immediately to take care of the problems faced by the failing schools in our communities. Large numbers of schools are failing, and of course the students are failing, too, as the need for immediate reaction and action.

We call our emergency recovery program a program similar to a response to a natural disaster. We have an education disaster. We would like to declare certain areas as education disaster areas. We would like to have a program that moves immediately to deal with that. So we sent this program to the President. We sent the President a budget attached to the proposal showing how programs that have already been authorized can be integrated into this Public Schools Emergency Recovery Program.

Mr. Speaker, I submit the Public Schools Emergency Recovery Program with the budget attached.

CONGRESSIONAL BLACK CAUCUS OF
THE UNITED STATES CONGRESS,
Washington, DC, October 11, 2000.

Hon. WILLIAM J. CLINTON,
President of the United States, The White
House, Washington, DC.

DEAR MR. PRESIDENT: We respectfully request a meeting with you as soon as possible. With the end of the 106th session only a few days away this is an emergency. The members of the Congressional Black Caucus are convinced that we are at a pivotal point in the life of public education, and we are at a critical point in the history of our nation. For the first time in many decades we have a federal budget surplus—and we anticipate a significant surplus every year for the next ten years. We have a window of opportunity to make positive budget decisions this year which will set a pattern for the next ten years. In the context of the present era of abundance the abandonment of failing public schools would be a shameful tragedy.

We, members of the CBC, have already stated our general budget and appropriations priorities through the CBC Alternative Budget which emphasized the need to use our surplus to invest in human resources. Since the final countdown for the "end-game negotiations" has now begun, we wish to state our priorities in more specific and concrete requests.

First, we wish to state that we agree with the prevailing wisdom that a large percentage of the 230 billion dollar surplus should be used for debt reduction. We also concur with the allocation of funds to strengthen Medicare and provide for a Prescription Medicine Benefit.

Secondly, we contend that after these priority steps are taken, there should be a significant investment in human resources. At least 10% of the surplus should be invested in Education; 5% for school construction and 5% for other school improvements. We propose that another 10% be invested in housing, health care and social services. For the benefit of the nation we stand firm on the adoption of all of these proposals.

Since the hour is late and the negotiations have begun, we now find it necessary to move from general concerns to specific emergencies. Within the African American community Education remains as our greatest emergency, the solution that makes it possible to resolve most of the other problems we face. Our crisis education situations require a systematic and well targeted Public Schools Emergency Recovery Program which directly addresses the most critical problems of the worst schools of the nation. While the larger national education problems are being considered, we must have an immediate intensified initiative to address the nation's schools which serve populations where more than 50% of the students qualify for free school lunches; and, or schools which are failing to meet established standards and are being ordered to close down. "Education

Disaster Areas" would also be determined in accordance with an additional set of hardship and risk indices.

The outline of the proposed CBC Public Schools Emergency Recovery Program is attached. We look forward to an immediate review of this matter with you. We know that it is possible to allocate the funding for this program in the Labor, Education, Health and Human Services Appropriations Act, or within an Omnibus Budget Act.

We extend our heartfelt thanks for your past eight years of partnership and support for the Congressional Black Caucus and the special constituency that we serve.

Sincerely yours,

MAJOR R. OWENS, M.C.,
Chairman, CBC Edu-
cation Braintrust.

JAMES E. CLYBURN, M.C.,
Chair, Congressional
Black Caucus.

APPEAL TO PRESIDENT CLINTON TO FUND THE PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM

(Statement of the Congressional Black
Caucus—October 18, 2000)

In the critical area of Education members of the Congressional Black Caucus insist that we cannot, once again, go home empty-handed. Over the last two decades our constituent communities have suffered devastating budget cuts with the federal deficits always being blamed for the savage neglect. As we celebrate a historic 230 billion dollar surplus, why is it that not a single new concrete initiative is being offered to bring relief to the "Education Disaster Areas" of the nation.

The hour is late but the "end game" appropriations negotiations offer an opportunity to fund an intensely focused emergency program utilizing already authorized measures. Failing schools in poverty areas can be assisted immediately. By targeting a massive "Comprehensive School Reform" effort to solve and resolve the worst education problems in the nation, we establish a foundation for overall school reform that works.

Vouchers which undercut established school systems without offering adequate alternatives are not the answer for schools in crisis. Block grants which hand the power over to neglectful states must be prohibited. The members of the CBC are adamantly opposed to these two dangerous Republican proposals. We also refuse to accept the paralysis of the current Democratic leadership proposals.

While the CBC endorses the Education Agendas that have been offered by President Clinton, Vice President Gore and House Democratic Leader Gephardt, we contend that these plans lack a sense of urgency. The Program that has been set forth by the CBC in no way runs counter to other Democratic proposals. From the womb of the larger and more sweeping agendas, the CBC is seeking to give birth to a baby that will breathe new life into dying schools and systems. For example:

Vice President Gore proposed to allocate 115 billion dollars for education reform over the next ten years.

The CBC proposes that this process be started by committing the first 10 billion dollars and targeting this amount to the worst schools.

Democratic Leader Gephardt proposes the hiring of a million teachers and the initiation of universal pre-school programs.

The CBC proposes to utilize minority colleges and universities to begin a large scale teacher recruitment and staff development program. The pilot programs for universal pre-school should begin immediately in "Education Disaster Areas."

President Clinton's initiatives on school construction are absolute necessities.

The CBC contends that the first federal construction and repair funds should go to areas where new pre-school programs can not be opened and class sizes cannot be reduced due to a lack of physical facilities.

The CBC proposes to streamline the delivery of relief to "Education Disaster Areas" by utilizing private contractors to replace the Department of Education bureaucracy which is not structured to implement emergency measures. Five such "Education Prime Contractors" would cover five regions of the nation.

The CBC is calling on all organizations and individuals who care about education to rally in support of this very practical proposal. Action must start now to replace the noble but fruitless discussions about education. Beyond the immediate education community we are appealing to civil rights groups, religious associations, labor unions and the corporate community to support this initiative which "jump starts" education reform in a meaningful movement.

Our immediate need is for a meeting with President Clinton. Our first task is to achieve a place on the President's "end-game" negotiations agenda. Funding for the Public Schools Emergency Recovery Program can begin now.

CONGRESSIONAL BLACK CAUCUS

SUMMARY—THE PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM

(Prepared by Congressman Major R. Owens,
Chairman, Congressional Black Caucus
Education Braintrust, in Consultation
with CBC Special Budget/Appropriations
Task Force—Appointed by the CBC—October
4, 2000)

I. INTRODUCTION

At a time when the nation has a 230 billion dollar surplus, the Congressional Black Caucus refuses to accept the abandonment of the nation's most needy and challenged schools and school districts. The most effective course for the salvation of our overall education system is to first intensely focus on the reform and revamping of our worst schools and school districts. Saving failing schools requires that a massive area based, site based education improvement program be structured from the bottom-up. A *Public Schools Emergency Recovery Program* will require no less than a budget commitment of 10 billion dollars. We propose a program that can be implemented rapidly through a streamlined structure with strong national policy guidance, a decentralized administrative and operations structure contracted out to non-profit or profit making qualified agencies, institutions, or corporations with established records and experience in education and/or training. The "Education Prime Contractors" shall be allowed considerable flexibility but with strict accountability.

II. FINDINGS

That no proposals currently under consideration are addressing the critical problem of failing public schools at a time when there is a 230 billion dollar federal surplus.

That the long-term goals of the nation's education effort can never be realized if a large segment of the future workforce is abandoned.

That the Federal government is already funding a useful and relevant array of programs sufficient to implement a *Public Schools Emergency Recovery Program*; however, increased appropriations and new mandates to target enhanced funding to "Education Disaster Areas" are needed.

That of first and greatest importance for the achievement of overall education reform

is the need for a public policy determination that the recovery of failing public schools is an urgent national priority.

That we are rapidly entering a new "cyber-civilization" and it is imperative that we close the widening digital divide where children who live in "Education Disaster Areas" are falling behind at an accelerating rate.

III. DEFINITIONS

Education Disaster Area—A school or school system that is failing in a community environment with a high hardship and poverty index. Examples: Number eligible for free school lunches; Rate of high risk diseases; Juvenile delinquency rates; Percentage of incarcerated parents; Percentage of high school dropouts. An "Area" may be as small as one school or as large as a school district; but shall constitute no more than 20,000 pupils.

Emergency Committee of National Education Advocates—Five education leaders with special experience in the education of at-risk students. They shall be appointed by the President in consultation with Congressional leaders.

Education Prime Control Agency—A non-profit institution or private corporation with an exceptional track record and experience in education and training.

Predominantly Black Colleges/Universities—Institutions which do not meet the "Historic" criteria but serve a majority of Black students.

Significantly Hispanic Colleges/Universities—Institutions with 25% or more Hispanic Students.

IV. MAJOR PROGRAM COMPONENTS

A. Area and Site Based School Reform—Mandate local comprehensive planning involving parents, teachers, community leaders, government officials, private sector representatives, fraternal organizations, religious leaders, teachers unions and other unions.

B. Enhanced Curriculum and Program Activities—Areas would be allowed to choose from a menu of established federally funded programs, other certified programs that work, with no more than 20% of funding for

new experimental programs. Examples: Community Technology Centers; Gear Up; TRIO; 21st Century Learning Centers; Safe and Drug-Free Schools; Title One; Comprehensive School Reform; Magnet Schools; Reading Literacy Grants; etc.

C. Teacher and School Personnel Improvements—A massive undergraduate student incentive program to recruit teachers; continuing education for teachers and administrators; new positions and staffing patterns; a requirement that all who receive aid for their education must contract to serve in an "Education Disaster Area" for at least two years for each year of education assistance received. Persons who reside in designated areas must receive priority in the distribution of education scholarships, fellowships, stipends, etc. Funding Source Examples: Title Two; All Titles of Higher Education Assistance Act.

D. Funding for Infrastructure and Equipment—Priority must be assigned to the relief of overcrowding and the support of lower student-teacher classroom ratios; to health and safety repairs and renovations; to creating conditions more conducive to learning; to technology enhancement changes. Funding Sources: Elementary and Secondary Education Assistance Act; Rangel-Johnson School Modernization Act.

E. Family and Student Support Services Which Enhance Learning—Individual and family counseling; advocacy for health services; advocacy against community and environmental hazards; advocacy for effective social service; advocacy for jobs and job training; assistance to immigrant families. Possible Funding Sources: Title One; AmeriCorps; Community Services Grants; Welfare To Work; Comprehensive School Reform; etc.

F. Reserve Fund for Additional Incentives and Rewards—Each "Education Prime Contractor" must maintain a reserve fund to reward success as demonstrated via established accountability standards. Funding: Comprehensive School Reform.

V. POLICY, OPERATIONS, ADMINISTRATION

In order to streamline and "jump-start" the Public Schools Emergency Recovery

Program, Federal policy initiatives via an Emergency Committee of National Education Advocates in partnership with the Secretary of Education's contracting and monitoring authority will anchor the effort; however, the private sector will be utilized for rapid implementation and accountable administration of this emergency effort (see attached chart).

VI. SPECIAL CONDITIONS

States, local governments and Local Education Agencies with jurisdiction over "Education Disaster Areas" must establish a state of readiness for the receipt of emergency funding; covenants for policy reforms, accountability standards and adherence to timetables must be developed; A Parent-Community override provision shall be enforced in localities where official agencies and authorities are reluctant or obstructionist.

VII. EVALUATIONS

The Secretary of Education in consultation with the Emergency Committee of National Education Advocates shall be responsible for selecting the agencies for the ongoing and final evaluations of the performance of each "Education Prime Contractor."

VIII. EMERGENCY IMPLEMENTATION

The President, the Senate and House Appropriations Committee negotiators, through the "end game" negotiation process have the authority to launch The Public Schools Emergency Recovery Programs using existing funding streams and already authorized programs (See attached chart). The optimum vehicle for the administration of this initiative is Comprehensive School Reform.

Other Members of the CBC Special Budget/Appropriations Task Force—Barbara Lee, Donald Payne, Carrie Meek, Robert Scott, Maxine Waters, Danny Davis, Eva Clayton, Sheila Jackson Lee, Carolyn Kilpatrick, Chaka Fattah, Harold Ford, Jr., Eddie Bernice Johnson, Charles Rangel.

PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM—CONGRESSIONAL BLACK CAUCUS EDUCATION BUDGET TASK FORCE

Item	President's 2001 request	CBC Public Schools Emergency Recovery Program	Increase requested	Comments and recommendations
I. PROGRAMS AUTHORIZED OR PROPOSED IN ELEMENTARY AND SECONDARY EDUCATION ACT				
Class Size Reduction	\$1.75 Billion	Same as President however; Schools in Education Disaster Areas must be served first.	0	The undesirably high pupil-teacher ratio is the prevailing pattern in the poorest districts.
School Construction and Renovation (Classrooms to reduce class sizes)	\$1.3 Billion Direct Appropriations	\$3.6 Billion (All must be allocated to Education Disaster Area Schools).	\$2.3 Billion	Oldest and most unsafe schools; largest number of trailers; most overcrowding in poorest areas.
Community Technology Centers	\$100 Million	\$700 Million (to provide a Center for each Education Disaster Area without competitive grant process).	\$600 million	At least one million per year for 200 "Education Disaster Areas" for a three year start up period.
Teacher Recruitment	\$98 Million	\$198 Million	\$100 Million	Crash program with subsidized training and incentives to guarantee supply of certified teachers.
21st Century Community Learning Centers	\$1 Billion	\$2 Billion	\$1 Billion	Tutoring Afterschool, Saturday School, Summer School.
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP)	\$325 Million	\$400 Million	\$75 Million	Tested option to increase early student motivation in conjunction with other innovations.
Safe & Drug Free Schools	\$650 Million	\$750 Million	\$100 Million	A tested working program needing more resources.
Teacher Improvement	\$1 Billion	\$1.5 Billion	\$500 Million	A high priority component.
Technology Literacy Grant	\$450 Million	\$550 Million	\$100 Million	Needed to operate in concert with Community Technology Centers.
Migrant Assistance Programs	\$410 Million	\$510 Million	\$100 Million	Needed to combat special problems in rural EDA's.
Reading Literacy Grants	\$286 Million	\$386 Million	\$100 Million	It is important to saturate the entire environment with learning opportunities.
Comprehensive School Reform Demonstrations	\$190 Million	\$2.69 Billion	\$2.5 Billion	This is the major account for planning, administration, innovations and evaluation.
Magnet Schools Assistance	\$110 Million	\$210 Million	\$100 Million	School integration is still a significant obstacle in many EDA's.
II. PROGRAMS AUTHORIZED OR PROPOSED IN HIGH EDUCATION ASSISTANCE ACT				
Pell Grants	Maximum Award-\$3,500 \$8.3 Billion Total Appropriation.	Maximum Award-\$3,700 \$9.3 Billion Total Appropriation.	\$1 Billion	Additional funds targeted for high school graduates who reside in Education Disaster Areas (EDA's).
Technical Assistance and Resource Centers for HBCU's	New Program	\$100 Million	\$100 Million	Necessary in order to maximize HBCU participation.
Historically Black Colleges and Universities-Undergraduate Program (HBCU-UP)	\$10 Million	\$20 Million	\$10 Million	Expansion of a successful initiative.

PUBLIC SCHOOLS EMERGENCY RECOVERY PROGRAM—CONGRESSIONAL BLACK CAUCUS EDUCATION BUDGET TASK FORCE—Continued

Item	President's 2001 request	CBC Public Schools Emergency Recovery Program	Increase requested	Comments and recommendations
Louis Stokes Alliances for Minority Participation (LSAMP).	\$26.5 Million	\$126.5 Million	\$100 Million	Cross coordination will produce additional funding.
The HBCU Research University Science and Technology Program (T.H.R.U.S.T.).	New Program	\$20 Million	\$100 Million	Address areas where the greatest number of teachers must be educated.
Title Hispanic Serving Institutions	\$20 Million	\$100 Million	\$80 Million	Vital role in recruitment and training of Hispanic teachers.
Research Extension for 1890 HBCU Land-Grant Colleges and Universities.	New Program	0 Million	\$20 Million	For Biotechnology, Environmental and Agriculture teacher training.
III. PROGRAMS AUTHORIZED OR PROPOSED IN OTHER JURISDICTIONS				
Rangel-Johnson School Modernization	\$25 Million (Interest payments only)	Same as President (For all other schools outside Disaster Areas).	0	This slower process requiring starting credit or legislative action is not suitable for "emergencies".

We sent a letter to the President discussing these two items. The letter reads as follows:

We respectfully request a meeting with you as soon as possible. With the end of the 106th session only a few days away, this is an emergency. The members of the Congressional Black Caucus are convinced that we are at a pivotal point in the life of public education, and we are at a critical point in the history of our Nation. For the first time in many decades we have a Federal budget surplus, and we anticipate a significant surplus every year for the next 10 years. We have a window of opportunity to make positive budget decisions this year. These budget decisions will set a pattern for the next 10 years. In the context of the present era of abundance, the abandonment of failing public schools would be a shameful tragedy.

We asked the President to examine our proposal, and most of all we wanted the President to make certain that in the process of the end game negotiations, he must keep on the table the school construction proposals.

Finally, we have made a statement which says what I have said before, that all of these proposals that have been developed by Democrats are exemplary and we endorse them. Our proposal for a public schools recovery program that was attached in the letter to the President takes into consideration all those proposals.

For example, Vice President AL GORE proposes to allocate \$115 billion for education reform over the next 10 years. The CBC proposal that we sent to the President proposes that this process be started by committing the first \$10 billion this year and to direct that to the worst schools.

Democratic Leader GEPHARDT proposes the hiring of a million teachers and the initiation of a universal preschool program over the years.

The CBC proposes to utilize minority colleges and universities to begin a large-scale teacher recruitment and staff development program now. The pilot programs for universal preschool also should begin immediately and the first universal preschool program should be in the education disaster areas that we talked about.

President Clinton's initiatives on school construction of course are absolutely necessities, and we contend that the first initiative should go toward

the poorest areas. The CBC contends that the first Federal construction repair funds should go to areas where new preschool programs cannot be opened and class sizes cannot be reduced due to a lack of physical facilities.

In order for the class size reduction program to work, you need more and better physical facilities.

Mr. Speaker, I also add the letter to the President of October 11, 2000, and the appeal to President Clinton, the statement issued in a press conference on October 18, 2000.

Finally, I commend to you the fact that there are four very good pieces of legislation on the table right now which relate to school construction. I would like to introduce for the RECORD School Construction Bills Introduced During the 106th Congress, these four particular bills.

SCHOOL CONSTRUCTION BILLS INTRODUCED DURING THE 106TH CONGRESS

Amends Title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of Elementary and Secondary Schools (H.R. 3071). Provides \$110 billion over ten years for elementary and secondary school construction, reconstruction, renovation, or modernization for information technology of such schools. Federal grants go to schools with a demonstrated need based on the condition of the facility the age of the facility and the needs related to preparation for modern technology. The Secretary can allocate to each state an amount that bears the same ratio to such appropriated amount as the number of school-age children in such state bears to the total number of school-age children in all the states. (Sponsor: Congressman Owens, Referred to the House Committee on Education and the Workforce).

Public School Modernization Act of 1999 (H.R. 1660). Amends the Internal Revenue Code to provide; a limited credit for qualified public school modernization bonds; for qualified school construction bonds and qualified zone academy bonds and establish limits and allocation formulas for such bonds; and corporations, a limited specialized training center credit (Sponsor: Congressman Rangel, Referred to the Committee on Ways and Means, and the Committee on Education and Workforce).

Public School Repair and Renovation Act of 2000 (H.R. 3705). Amends the Elementary and Secondary Education Act of 1965 (ESEA) to establish a new title XII, Public School Repair and Renovation, which authorizes Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas. Provides \$1.3 billion for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years (Sponsor: Con-

gressman Clay, Referred to the House Committee on Education and the Workforce).

Classroom Modernization Act of 2000 (H.R. 4766). Amends the Elementary and Secondary Education Act of 1965 to authorize the appropriation of funds to assist states and local educational agencies with the expenses of Federal education statutory requirements and priorities relating to infrastructure, technology, and equipment. Provides \$1.5 billion over five years for Charter Schools (Sponsor: Congressman Goodling, Referred to the House Committee on Education and the Workforce).

In conclusion, we are about to end the 106th Congress. We have a golden opportunity. We have on the table a proposal now that could make a breakthrough in the critical area of school construction. We would like to see hard hats all across America building schools. The time has come to build schools. That is the first step. We want to improve education. Let us make certain that the facilities are there, the equipment is there, let us go forward to meet the challenge of a new cyber-civilization and keep America in the leadership of the digital economy.

Education comes first. Brain power is the most important force in the world today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today after 1:50 p.m. on account of official business.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today after 11:00 a.m. on account of business in the district.

Mr. OSE (at the request of Mr. ARMEY) for today after 1:00 p.m. and for the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHOWS) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. WALDEN of Oregon, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, October 31.

Mr. EHLERS, for 5 minutes, October 31.

Mr. DELAY, for 5 minutes, today.

Mr. LEACH, for 5 minutes, October 31.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

H.R. 4788. An act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness."

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 710. An act to authorize a feasibility study on the preservation of certain Civil

War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1367. An act to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire by modifying the boundary and for other purposes.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2951. An act to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and the Meridian Irrigation District.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported

that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 27, 2000:

H.R. 1651. To amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of the United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

H.R. 3218. To amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 5178. To require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

H.J. Res. 117. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On October 28, 2000:

H.R. 2780. To authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 2884. To extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 4404. To permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4957. To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5083. To extend the authority of the Los Angeles Unified School District to use certain lands in the city of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5157. To amend title 44, United States Code, to ensure preservation of the records of the Freedman's Bureau.

H.R. 5314. To amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

H.R. 5331. To authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

H.J. Res. 118. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On October 29, 2000:

H.J. Res. 119. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

□ 1930

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 31, 2000, at 6 p.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10768. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7745] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10769. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7736] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10770. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Federal Pell Grant Program (RIN: 1845-AA17) received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10771. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Special Leveraging Educational Assistance Partnership Program (RIN: 1845-AA18) received October 27, 2000; to the Committee on Education and the Workforce.

10772. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10773. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Killeen, Texas) [MM Docket No. 00-103; RM-9878] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10774. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Closed Captioning Requirements for Digital Television Receivers [ET Docket No. 99-254] Closed Captioning and Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility [MM Docket No. 95-176] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10775. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Jenner, California) [MM Docket No. 00-33; RM-9816] (Culver, Indiana) [MM Docket No. 00-34; RM-9817] (Lake Isabella, California) [MM Docket No. 00-35; RM-9818] (Olpe, Kansas) [MM Docket No. 00-71; RM-9852] (Covelo, California) [MM Docket No. 00-72; RM-9853] (Sterling, Colorado) [MM Docket No. 00-74; RM-9862] (Kahului, Hawaii) [MM Docket No. 00-75; RM-9863] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10776. A letter from the Special Assistant, Mass Media Bureau, Federal Communica-

tions Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Cloverdale, Point Arena, and Cazadero, California) [MM Docket No. 99-180; MM Docket No. 00-59; RM-9583; RM-9734; RM-9759] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10777. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Charlotte, Texas) [MM Docket No. 00-22; RM-9795] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10778. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (George West, Pearsall and Victoria, Texas) [MM Docket No. 99-342; RM-9773; RM-9844] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10779. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Eastman, Vienna, Ellaville and Byromville, Georgia) [MM Docket No. 00-56; RM-9839; RM-9905; RM-9906] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10780. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Ravenwood, Missouri) [MM Docket No. 00-109; RM-9899] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10781. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Upton and Pine Haven, Wyoming) [MM Docket No. 99-57; RM-9460; RM-9610] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10782. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 87 of the Commission's Rules Regarding the Radionavigation Service at 31.8–32.3 GHz [ET Docket No. 98-197] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10783. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Determination and Certification for Fiscal Year 2001 Concerning Argentina's and Brazil's Ineligibility Under Section 102(a)(2) of the Arms Export Control Act; to the Committee on International Relations.

10784. A letter from the Auditor, District of Columbia, transmitting a report entitled "District's Unclaimed Property Program Needs Substantial Improvement," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

10785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbia, MO [Airspace Docket No. 00-ACE-21] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oelwein, IA; Correction [Airspace Docket No. 00-ACE-12] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Picayune, MS [Airspace Docket No. 00-ASO-28] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Harbor Springs, MI [Airspace Docket No. 00-AGL-14] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Dexter, MO [Airspace Docket No. 00-ACE-31] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30208; Amdt. No. 2016] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Moberly, MO [Airspace Docket No. 00-ACE-30] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Atwood, KS [Airspace Docket No. 00-ACE-19] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oakley, KS [Airspace Docket No. 00-ACE-20] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fairfield, IA [Airspace Docket No. 00-ACE-13] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes Powered by Pratt & Whitney Engines [Docket No. 99-NM-308-AD; Amendment 39-11920; AD 2000-20-09] (RIN: 2120-AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Elkhart, KS [Airspace Docket No. 00-ACE-22] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Transportation and Infrastructure.

10797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes [Docket No. 98-NM-135-AD; Amendment 39-11919; AD 2000-20-08] (RIN: 2120-AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pittsburg, KS [Airspace Docket No. 00-ACE-28] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes [Docket No. 98-NM-207-AD; Amendment 39-11926; AD 2000-20-15] (RIN: 2120-AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 99-NM-69-AD; Amendment 39-11906; AD 2000-19-05] (RIN: 2120-AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D and Class E Airspace, and Amendment to Class E Airspace; Garden City, KS [Airspace Docket No. 00-ACE-25] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes [Docket No. 2000-NM-17-AD; Amendment 39-11944; AD 2000-21-12] (RIN: 2120-AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 99-NM-364-AD; Amendment 39-11945; AD 2000-21-13] (RIN: 2120-AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Powered by General Electric Model CF6-80C2 Series Engines [Docket No. 99-NM-228-AD; Amendment 39-11756; AD 2000-11-08] (RIN: 2120-AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters [Docket No. 99-SW-35-AD; Amendment 39-11929; AD 2000-20-17] (RIN: 2120-AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. 99-NM-248-AD; Amendment 39-11932; AD 2000-20-20] (RIN: 2120-AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E4 Airspace; Melbourne, FL [Airspace Docket No. 00-ASO-34] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2000-SW-24-AD; Amendment 39-11930; AD 2000-20-18] (RIN: 2120-AA64) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Simmons Army Airfield (AAF), NC [Airspace Docket No. 00-ASO-39] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ambler, AK [Airspace Docket No. 00-AAL-4] received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10811. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision John D. Shea v. Commissioner—received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10812. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Rev. Rul. 2000-51] received October 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10813. A letter from the Secretary, Department of Defense, transmitting the Annual Report for the National Security Education Program for 1999; jointly to the Committees on Intelligence (Permanent Select) and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1500. A bill to accelerate the Wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal Lands (Rept. 106-1017). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 5130. A bill to authorize the Secretary of the Interior to provide cost sharing for the CALFED water enhancement programs in California; with an amendment (Rept. 106-1018 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 5291. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to make

additional corrections and refinements in the Medicare, Medicaid, and State children's health insurance programs, as revised by the Balanced Budget Act of 1997; with an amendment (Rept. 106-1019 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 31, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than October 31, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 31, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 31, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than October 31, 2000.

H.R. 4857. Referral to the Committee on the Judiciary, Banking and Financial Services, and Commerce extended for a period ending not later than October 31, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than October 31, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself and Mr. DINGELL):

H.R. 5601. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to provide benefits improvements and beneficiary protections in the Medicare and Medicaid Programs and the State child health insurance program (SCHIP), as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself and Mr. MALONEY of Connecticut):

H.R. 5602. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to grandparents who provide primary child care services without compensation for their grandchildren who are not their dependents; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. PORTER, Mr. SMITH of New Jersey, Mr. ROHRBACHER, and Mr. KUCINICH):

H.R. 5603. A bill to prohibit the importation of any textile or apparel article that is

produced, manufactured, or grown in Burma; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 5604. A bill to authorize funding for certain housing assistance to increase the availability of affordable housing; to the Committee on Banking and Financial Services.

By Mr. MORAN of Virginia (for himself, Mr. CUMMINGS, Mr. DAVIS of Virginia, Mr. HOYER, Mrs. MORELLA, Ms. NORTON, Mr. WOLF, and Mr. WYNN):

H.R. 5605. A bill to require that the same transit pass transportation fringe benefits that are currently being offered to certain executive branch employees in the National Capital Region be extended to other similarly situated Federal employees; to the Committee on Government Reform.

By Mr. PALLONE:

H.R. 5606. A bill to amend the Federal Water Pollution Control Act to improve the

enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN:

H. Res. 664. A resolution expressing the sense of the House of Representatives regarding the Clinton Administration's lack of cooperation and efforts to impede the investigation by the General Accounting Office into the implementation of United States policy toward United Nations peacekeeping operations; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 914: Mr. MEEHAN.

H.R. 1046: Mr. BOSWELL.

H.R. 1053: Mr. MCGOVERN.

H.R. 1657: Mrs. JONES of Ohio.

H.R. 2344: Ms. KILPATRICK.

H.R. 3195: Mr. CONYERS.

H.R. 3872: Mr. TOOMEY.

H.R. 4215: Mr. BERRY.

H.R. 4219: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4481: Mr. BOEHLERT.

H.R. 4495: Mr. JENKINS.

H.R. 4921: Mr. UNDERWOOD.

H.R. 5261: Mrs. MEEK of Florida.

H.R. 5397: Mr. COSTELLO, Mr. HALL of Ohio, Ms. JACKSON-LEE of Texas, and Mr. CLAY.

H. Con. Res. 306: Mr. CARDIN, Mr. WHITFIELD, Mr. THOMPSON of California, and Mr. GOODLATTE.

H. Con. Res. 337: Mr. HILLEARY.

H. Con. Res. 373: Mr. UDALL of Colorado and Ms. LEE.